

Section 6

- 1. Copy of the Rockville City Charter**
- 2. Copy of the City of Rockville Chapter 8 Elections**

CHARTER*

***Editor's note:** The City's Charter is published as adopted and amended. The source of this compilation is the official version previously published by the City, which version was current through Charter Amendment No. 36, and subsequent amendments. All editorial notes (other than this note) were contained in the City's official version; however, state law references after sections have been supplied by Municipal Code Corporation. The notes (together with history notes) are not part of the official text. The editorial notes have been revised to be accurate in light of Maryland statutory law as of May 1, 1986. Charter amendments subsequent to Charter Amendment No. 36 are shown in the history notes by resolution number, section and adoption date. They are placed after the history notes appearing in the official version. The printing of numbers has been treated uniformly in this compilation.

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ARTICLE I INCORPORATION; CORPORATE LIMITS

Section 1. City Incorporated; General Powers.

The inhabitants of the City of Rockville, Montgomery County, are a body corporate by the name of "The Mayor and Council of Rockville," and by that name may have perpetual succession, sue and be sued, and have and use a common seal. (Res. No. 8-78; Res. No. 24-60)

State law references: General powers and status of municipal corporations, Anno. Code of Md., Art. 23A, § 1.

Section 2. Boundaries.

The limits of said City shall be as they existed immediately prior to the effective date of this section, subject to all rights, reservations, limitations and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the City in effect immediately prior to the effective date of this section, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be maintained on file with the City Clerk. (Res. No. 8-78)

Editor's note: Prior to enactment of Res. No. 8-78, the specific boundaries of the City were set forth in the Charter. Res. No. 8-78 deleted one hundred (100) pages of boundary description and adopted in lieu thereof Art. I, sec. 2 as set forth above.

Annexation procedures, Anno. Code of Md., Art. 23A, § 19.

The grant to a municipal corporation of the power to annex is permissive only and not mandatory; and the municipality, as a prerequisite to granting annexation, may impose reasonable conditions for the public good and welfare. *Mayor and Council of Rockville v. Brookeville Turnpike Construction Co.*, 246 Md. 117, 228 A.2d 263 (1967). Anno. Code of Md., Art. 23A, sec. 9(c) provides that no municipality annexing land may, for five (5) years following annexation, rezone the land so as to permit a land use substantially different from the land use specified in the current duly adopted master plan of the county or agency having planning and zoning jurisdiction over the land prior to annexation. See *Md. National Capital Park and Planning Commission v. Mayor and Council of Rockville*, 272 Md. 550, 325 A.2d 748 (1974).

ARTICLE II THE MAYOR AND COUNCIL

Section 1. Number, Selection, Term, Qualification, and Payment.

a. All legislation powers of the City of Rockville shall be vested in a council consisting of a Mayor and four (4) Councilmembers, who shall be elected as hereinafter provided in Article III, Section 5 and who shall hold office for a term of two (2) years or until the succeeding Council takes office. Councilmembers holding office at the time this section becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office.

b. The Mayor and Councilmembers shall be registered voters and shall have resided in the City for at least one (1) year immediately preceding their election.

c. A procedure for establishing the annual compensation of the Mayor and each of the four (4) Councilmembers shall be established by ordinance; provided, however, that the compensation specified at the time any member of the Council takes office shall not be changed during the period for which that member of the Council was elected.

(Res. No. 8-78; Res. No. 7-77; Res. No. 10-76; Res. No. 55-63; Res. No. 24-60; Res. No. 3-84, § 1, 1-23-84; Res. No. 10-87, § 1, 5-11-87; Res. No. 20-94, § 1, 11-28-94)

Section 2. Meetings; Qualification of Members; Presiding Officer; Procedures.

a. The Council shall meet at some convenient public place in said City as often as may be necessary to discharge the duties of its office, not less, however, than once in every month. After its election, the newly elected Mayor and Council shall meet prior to December 1. All meetings, together with the agenda therefor, must be given reasonable public notice.

b. The Council shall be the judge of the election and qualification of its members.

c. The Mayor shall preside at all meetings of the Council and may take part in all discussions and shall participate, when present, in all votes of the Council. In the event of the absence of the Mayor at any meeting, the members of the Council shall elect one (1) of their own members to preside during such absence, who shall, for the time being, be clothed with all the powers and authority of said Mayor. A majority of the members of the Council shall constitute a quorum for the transaction of business, and the Council shall pass rules and by-laws for its own government while in session.

d. The Council shall determine its own order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one (1) member. The journal shall be open to public inspection. No final action may be taken on any question, resolution, or ordinance except at open session.

e. No ordinance shall be passed at the meeting at which it is introduced. If, at the meeting at which an ordinance is introduced, two (2) or more members of the Council so request, a public hearing shall be required as herein provided prior to action thereon. Public hearings on ordinances shall be held by the Council, when required, only after first having given public notice in a newspaper of general circulation in the City of Rockville once a week for two (2) successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall generally summarize the contents of the proposed ordinance, and shall specify the time and place of the public hearing to be held thereon. Such public hearing shall be conducted by the Council, when required, under such procedures as it shall, in its discretion, establish. After the ordinance is introduced, it shall lay over for at least one (1) week, after which it may be brought up for discussion, amendment, or final action, except in the case of an ordinance for which a public hearing is required, in which case it may not be brought up until after the required public hearing. The published agenda for the meeting at which final action takes place on any ordinance shall contain the descriptive title of the ordinance, and such description titles shall be published and permanently filed by the City Clerk and shall be kept available for public inspection. The provision that an ordinance may not be passed at the meeting at which it was introduced and the provision for inclusion of the descriptive title of the ordinance on the published

agenda for the meeting of the Council may be suspended by the affirmative vote of four (4) members of the Council. All ordinances passed by the Council shall become effective immediately unless otherwise specified.

(Res. No. 8-78; Res. No. 42-70; Res. No. 24-60; Res. No. 10-87, § 1, 5-11-87; Res. No. 2-01, § 1, 2-26-01)

State law references: Meetings of municipal legislative bodies to be public, Anno. Code of Md., Art. 23A, § 8.

ARTICLE III REGISTRATION, NOMINATIONS AND ELECTIONS

Section 1. Voters.

Every citizen of the City of Rockville residing therein and who is qualified to register as a voter at the next succeeding State or Congressional election, and who is or shall be eighteen (18) years of age on or before the date of any City election, and who is registered in accordance with the provisions of this Charter, shall be a qualified voter of the City. In addition to citizens of the City of Rockville, every member of the United States Uniformed Services and each spouse and child of such a member shall be a qualified voter of the City provided such person resides in the City of Rockville; would be qualified to register as a voter at the next succeeding State or Congressional election in the City if such person maintained his or her domicile in the City; is or shall be eighteen (18) years of age on or before the date of any City election; and is registered in accordance with the provisions of this Charter. Every qualified voter of the City shall be entitled to vote at any or all City elections.

(Res. No. 8-78; Res. No. 34-72; Res. No. 26-67; Res. No. 24-60; Res. No. 9-82, § 1, 4-12-82; Res. No. 11-87, § 1, 5-11-87)

Section 2. Board of Supervisors of Elections; Members; Duties.

a. There shall be a Board of Supervisors of Elections, consisting of five (5) members, who shall be appointed by the Council. The terms of members of the Board shall begin on the first Monday in June and shall run for four (4) years and until their successors are appointed and qualified. Notwithstanding the foregoing, the initial terms of two (2) members appointed in 1991 shall be for one (1) year or until their respective successors are appointed and qualified, and the initial term of three (3) other members appointed in 1991 shall be for three (3) years or until their respective successors are appointed and qualified, so that the terms of two (2) members shall be staggered with respect to the terms of the other three (3) members. Members of the Board shall be qualified voters of the City and shall not hold or be candidates for any elective office of the City during their term of office. Members of the Board shall, before entering the discharge of their duties, make oath in due form of law that they, severally, will fairly, faithfully and honestly perform their duties as members of the Board. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be as determined by the Council.

b. Any member of the Board of Supervisors of Elections may be removed for cause by the Council. Before removal, the member of the Board to be removed shall be given a written copy of the charges and shall, if requested by such member in writing, have a public hearing on them before the Council within ten (10) days after receiving the written copy of the charges.

c. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all City elections. The Board may appoint election clerks or other employees to assist it in any of its duties, up to a total number as established by the Council.

d. The Board of Supervisors of Elections shall give at least one (1) months' notice of every election, including places for voting, by an advertisement published at least four (4) times during the period of such notice in at least one (1) newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places in the City.

(Res. No. 8-78; Res. No. 17-71; Res. No. 24-60; Res. No. 11-87, § 1, 5-11-87; Res. No. 9-91, § 1, 5-13-91)

Section 3. Nominations.

No person's name shall be placed on the ballot as a candidate for any elective public office in the government of the City of Rockville unless such person shall be nominated by petition in conformity with the requirements herein. A candidate shall be deemed to have been nominated by petition when such candidate,

or the authorized agent of such candidate, files at least sixty (60) calendar days preceding the general or special election at which election is sought, with the Board of Supervisors of Elections, a certificate signed by at least one hundred (100) qualified voters containing the name of the candidate, a statement of the office to which election is sought, a statement that the signers request that the name of the candidate be placed on the ballot and any other additional information that shall be prescribed, from time to time, by the Board of Supervisors of Elections. Candidates for elective public office shall use the nominating petition form approved by the Board of Supervisors of Elections.

(Res. No. 8-78; Res. No. 24-60; Res. No. 9-82, § 1, 4-12-82; Res. No. 11-87, § 1, 5-11-87; Res. No. 13-97, § 1, 6-16-97; Res. No. 3-01, § 1, 2-26-01)

Editor's note: The 1960 general revision of Rockville's Charter (Res. No. 24-60), contained in Article III, Sec. 3 provisions relating to registration, transfer of records, and appeals. These provisions were amended by Res. No. 9-69 (which dealt with removal of names from voters' lists) and subsequently deleted entirely by Res. No. 16-75. Res. No. 8-78 renumbered the sections in Article III of the Charter to reflect the deletion.

Section 4. Election of Mayor and Council.

On the last Monday in April of every even numbered year, the qualified voters of the City shall elect one (1) person as Mayor and four (4) persons as Councilmembers to serve for terms of two (2) years or until the succeeding Council takes office. After the election to be held on April 30, 1984, the qualified voters of the City shall elect one (1) person as Mayor and four (4) persons as Councilmembers to serve for terms of two (2) years on the next Tuesday after the first Monday in the month of November in every odd numbered year.

(Res. No. 8-78; Res. No. 24-60; Res. No. 2-84, § 1, 1-23-84)

Section 5. Vacancies in Office of Mayor and Council.

a. In case of a vacancy on the Council by reason of death, resignation, removal from the City, or otherwise within the first twelve (12) months of the term, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy on the Council for any of the aforesaid reasons, not occurring within the first twelve (12) months of the term, the Mayor and Council shall elect, by the favorable votes of a majority of the remaining members of the Mayor and Council, some qualified person to fill such vacancy for the unexpired term. The results of any such vote shall be recorded in the minutes of the Mayor and Council.

b. In case of a vacancy in the office of Mayor within the first sixteen (16) months of the term by reason of death, resignation, removal from the City, or otherwise, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy in the office of the Mayor for any of the aforesaid reasons, not occurring within the first sixteen (16) months of the term, the Council shall elect, by unanimous vote, some qualified person, including an incumbent Councilmember, to fill the vacancy for the remainder of the unexpired term. In the event the Council has not elected a new Mayor, by unanimous vote, within fourteen (14) days of the creation of the vacancy, the Council shall appoint a new Mayor, who is qualified for the office, in accordance with the following order of succession:

1. The Councilmember with the highest vote total in the last election regardless of party affiliation; or
2. The Councilmember with the most seniority on the Council, however, if more than one (1) Councilmember shares the most seniority, the Councilmember receiving the highest number of votes in the most recent election shall be deemed to be most senior for the purposes of this provision.

If none of the officials in the foregoing list are willing or able to serve as Mayor, then the members of the Council shall elect some qualified person as Mayor by majority vote for the remainder of the unexpired term.

(Res. No. 8-78; Res. No. 24-60; Res. No. 2-84, § 1, 1-23-84; Res. No. 29-85, § 1, 10-14-85; Res. No. 11-87, § 1, 5-11-87)

Section 6. Recall Elections; Recall of the Mayor or a Councilmember.

- a. The Mayor or Councilmember may be removed by the qualified electors of the City. The procedure to effect the removal of such persons from office shall be as set forth hereinafter.
- b. A petition signed by persons qualified to vote in City election equal in number to at least twenty (20) percent of the voters registered to vote in City elections, unless a different percentage of voters is otherwise provided by ordinance, shall be addressed to the Council and filed with the City Clerk. The signatures to the petition need not all be appended to one (1) paper, but each signer shall add to his signature his place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths, that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one (1) instrument, with endorsements thereon of the names and addresses of three (3) persons designated as filing said petition.
- c. Within ten (10) days from the filing of said petition the City Clerk shall ascertain by examination thereof and of the registration books, whether the petition is signed by the required number of qualified voters, and shall attach thereto a certificate showing the result of such examination. If the certificate shows the petition to be insufficient, the Clerk shall promptly notify, in writing, one (1) or more of the persons designated on the petition as filing the same and the petition may be amended at any time within ten (10) days from the date of the Clerk's notification. The Clerk shall, within ten (10) days after such amendment, make like examination of the amended petition and attach thereto a certificate of the result. If still insufficient or if no amendment is made, the Clerk shall return the petition to one (1) of the persons designated thereon, as filing it, without prejudice, however, to the filing of a new petition for the same purpose.
- d. If the petitions or amended petitions shall be founded by the City Clerk to be sufficient, the same shall be submitted with the Clerk's certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five (5) days thereafter, thereupon order an election to be held on the date fixed by them not less than thirty (30) nor more than forty-five (45) days from the date of the City Clerk's certificate that a sufficient petition was filed; provided, however, that if any other municipal election is to occur within sixty (60) days from the date of the City Clerk's certificate, the Council may, at its discretion, postpone the holding of the recall election to the date of such other municipal election.
- e. There shall be printed on the official ballot, as to every person whose recall is to be voted on, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words "Yes" and "No," on separate lines, with a blank space at the right of each, in which the voter shall indicate his or her vote for or against such recall.
- f. Any person whose recall is sought shall continue in office until a certification of the results of a recall election by the Board of Supervisors of Elections showing that such person has been recalled is received by the City Clerk at which time such person's term in office shall thereupon terminate.
- g. No recall petition shall be filed against any person until such person has actually held such office for at least two (2) months, unless a different time is provided by ordinance; provided, that second or further recall petitions for the same person shall require signatures of qualified voters equal to at least thirty-five (35) percent of the voters registered to vote in City Elections.
- h. Any person who has been removed from office by recall, or who has resigned from such office while recall proceedings were pending against him or her, shall not be appointed to any elective office within one (1) year after such removal by recall or resignation.
- i. Any vacancy created by the recall of an elected officer shall be filled in the manner set forth in Section 5 of this Article III.
- j. Except as specifically provided herein all recall elections shall be conducted in a manner conforming with other City elections to the extent practical.

(Res. No. 8-85, § 1, 3-11-85)

Section 7. Regulation and Control.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. Ordinances heretofore adopted by the Council pertaining to such matters shall remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article.

(Res. No. 8-78; Res. No. 24-60; Res. No. 8-85, § 1, 3-11-85; Res. No. 11-87, § 1, 5-11-87)

Editor's note: The 1960 general revision of Rockville's Charter (Res. No. 24-60) contained in Article III, Sec. 6 provisions relating to the conduct of elections, special elections, vote counting, and preservation of ballots. Res. No. 18-69 added to the Charter a new section relating to absentee voting, which was later amended by Res. No. 45-71. Both sections were subsequently deleted by Res. No. 16-75. Res. No. 8-78 renumbered the sections in Article III of the Charter to reflect the deletions.

ARTICLE IV GENERAL POWERS

Section 1. Powers of Council Enumerated.

a. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.

b. The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(1) *Advertising* --To provide for municipal advertising, for the printing and publication of statements of the receipts and expenditures of the municipality, and the publication and codification of all laws, ordinances, resolutions, or regulations adopted by or affecting the municipality.

(2) *Aisles* --To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements* --To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(4) *Appropriations* --To appropriate and expend municipal monies for any purpose within the powers of the Council.

(5) *Auctioneers* --To regulate the sale of all kinds of property at auction within the City and to license auctioneers.

(6) *Audits* --To provide for the appointment of an auditor or accountant to audit the books and accounts of all municipal officers collecting, handling, or disbursing funds belonging to the municipality.

(7) *Band* --To establish, maintain and support a municipal band or musical organization.

(8) *Billboards* --To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the City.

(9) *Bridges* --To erect and maintain bridges.

(10) *Buildings* --To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(11) *Cemeteries* --To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(12) *Codification* --To provide for the codification of this Charter and all laws, ordinances, and regulations which have been or may hereafter be passed.

(13) *Community services* --To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.

(14) *Cooperative activities* --To make agreements with other municipalities, counties, districts,

bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(15) *Corporate name* --To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality, and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

(16) *Curfew* --To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(17) *Dangerous conditions* --To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(18) *Departments* --To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(19) *Disorderly houses* --To suppress bawdy houses, disorderly houses and houses of ill fame.

(20) *Dogs* --To regulate the keeping of dogs in the City and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(21) *Elevators* --To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(22) *Explosives* --To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(23) *Filth* --To compel the occupant of any premises, building, or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(24) *Finances* --To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City.

(25) *Fire* --To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.

(26) *Food* --To inspect and require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(27) *Franchises* --To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the City, subject, however, to the limitations and provisions of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(28) *Gambling* --To restrain and prohibit gambling.

(29) *Garbage* --To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

- (30) *Grants-in-aid* --To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.
- (31) *Hawkers* --To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the City, and to revoke such licenses for cause.
- (32) *Health* --To appoint a board of health, and to define and regulate its powers and duties; to establish quarantine regulations, and to authorize the removal or confinement of persons having infectious or contagious diseases; to prevent and remove nuisances; to prevent the introduction of contagious diseases into the municipality; to regulate the places of manufacturing soap, fertilizer, and other noxious things; to regulate slaughterhouses, packing houses and all places where offensive trades may be carried on; to regulate places which cause or may cause unsanitary conditions, or conditions detrimental to health.
- (33) *House numbers* --To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.
- (34) *Inspections* --To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires, and drainage and sewage systems on private property, and to compel repairs thereon.
- (35) *Jail* --To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the City or to use the county jail for such purposes.
- (36) *Licenses* --Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (37) *Liens* --To provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon such property, to be collected as municipal taxes are collected.
- (38) *Lights* --To provide for the lighting of the City.
- (39) *Livestock* --To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.
- (40) *Markets* --To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.
- (41) *Merit system* --To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State, and to request and avail themselves of the facilities of the State for the administration of such merit system without unnecessary expense.
- (42) *Minor privileges* --To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares and merchandise.
- (43) *Noise* --To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.
- (44) *Nuisances* --To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specially named or not; to regulate, to prohibit, to control the location of or to require the removal from the City of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection, the City may regulate, prohibit, control the location of, or require the removal from the City of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

- (45) *Obstructions* --To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the City.
- (46) *Parking facilities* --To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off street parking.
- (47) *Parking meters* --To install parking meters on the streets and public places of the City in such places as it shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State must first be approved by the State.
- (48) *Parks and recreation* --To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the City.
- (49) *Pensions* --To provide a retirement or pension system or a group insurance plan for its officers or employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.
- (50) *Police force* --To establish, operate and maintain a police force. All City police officers shall, within the municipality, have the powers and authority of constables in this State.
- (51) *Police powers* --To prohibit, suppress, and punish within the City all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.
- (52) *Property* --To acquire by conveyance, purchase or gift, real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the City.
- (53) *Quarantine* --To establish quarantine regulations in the interest of the public health.
- (54) *Regulations* --To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
- (55) *Salaries* --To fix the salary or compensation of all municipal officers and employees.
- (56) *Seal* --To make, have and use, and from time to time, alter, a common seal.
- (57) *Sidewalks* --To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow, ice, or other obstructions; to prescribe hours for cleaning the sidewalk.
- (58) *Special elections* --To provide for special elections for municipal purposes, at such times and places as may be determined, and subject to the provisions of this Charter.
- (59) *Taxicabs* --To license, tax and regulate public hackers, taxicab drivers, and other persons driving commercial vehicles and their assistants and all other persons pursuing like occupations.
- (60) *Vehicles* --To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.
- (61) *Voting machines* --To purchase, lease, borrow, install, and maintain voting machines for use in City elections.
- (62) *Zoning* --To exercise such powers as to planning and zoning, as are conferred upon the City by the Annotated Code of Maryland, or other applicable authority.
- (63) *Saving clause* --The Council may exercise any power or perform any function which is not denied to it by the Constitution of Maryland, this Charter, or by a public general law duly passed by the General Assembly of Maryland so long as the power or function relates to the

incorporation, organization, government, or affairs of the municipal corporation.

(Res. No. 8-78; Res. No. 58-67; Res. No. 18-67; Res. No. 24-60)

Editor's note: The Council has all those powers conferred upon it by this Charter as well as those powers conferred upon it by Md. Anno. Code (1957), Art. 23A and other public general laws adopted by the General Assembly.

Article XII of the Charter as contained in Res. No. 24-60 consisted of detailed provisions on zoning. Res. No. 8-71 deleted those detailed provisions and adopted in lieu thereof the following:

"The Mayor and Council of Rockville are hereby authorized to exercise all powers granted to it pursuant to Article 66B of the Annotated Code of Maryland."

Res. No. 8-78 deleted entirely the foregoing zoning article of the Charter as being superfluous in light of the zoning authority granted the City under subsection b. (62) of this section.

Res. No. 58-67 added subsection b. (63).

State law references: Statutory grant of express powers, Anno. Code of Md., Art. 23A, § 2.

Section 2. Exercise of Powers.

For the purpose of carrying out the powers granted in this Charter or elsewhere, the Council may pass all necessary ordinances. All the powers of the City shall be exercised in the manner prescribed by this Charter or other applicable law, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Enforcement of Ordinances.

To insure the observance of the ordinances of the City, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. The City, in addition to other remedies, may institute any appropriate civil action or proceeding to prevent, restrain, correct or abate violations of municipal ordinances.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: Res. No. 8-78 increased the maximum prison term from thirty (30) days to ninety (90) days so as to conform this section to Article XIV, Section 4 which was similarly amended by Res. No. 11-76. Chapter 735 of the 1978 Laws of Maryland amended Anno. Code of Md., Art. 23A by increasing the fine allowed to be imposed for a misdemeanor from one hundred dollars (\$100.00) to five hundred dollars (\$500.00) and authorizing municipalities to declare violations of municipal ordinances to be "municipal infractions." This additional authority is granted the City directly by amended Article 23A, and no amendment to the City Charter reflecting this new authority is legally required.

ARTICLE V AMENDMENT OF CHARTER*

***Editor's note:** The bulk of this article was adopted by Res. No. 59-67 and is substantially similar to the provisions concerning amendments to charters of municipal corporations set forth in Anno. Code of Md., Art. 23A, §§ 11--18.

State law references: Ordinance violations, Anno. Code of Md., Art. 23A, § 3.

Section 1. Initiation.

An amendment of this Charter may be initiated by the Council or by a petition of qualified voters of the City of Rockville.

(Res. No. 8-78; Res. No. 59-67)

State law references: Similar provisions, Anno. Code of Md., Art. 23A, § 12.

Section 2. Initiation by the Council.

a. The Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this section, is ordained or passed as in the usual course of considering resolutions in the government of the Council by a majority of all the persons elected to the Council.

b. In conformity with a requirement imposed upon the General Assembly by Article 3, § 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

c. In conformity with a requirement imposed upon the General Assembly by Article 3, § 29 of the Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one (1) subject, and that shall be described in its title. Prior to the passage of any resolution which proposes an amendment or amendments to the Charter, a public hearing thereon shall be held by the Council, public notice of which shall be given in a newspaper of general circulation in the City of Rockville once a week for two (2) successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and place of the public hearing to be held thereon. The public hearing shall be conducted by the Council under such procedures as it shall, in its discretion, establish.

d. The Mayor shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at City Hall or another main municipal building or public place for a period of at least forty (40) days following its adoption.

e. A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Rockville not less than four (4) times, at weekly intervals within a period of at least forty (40) days after the adoption of the resolution containing the proposed amendment or amendments.

f. The amendment or amendments so proposed by the Council shall become and be considered as part of the Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the Council, or

mailed to it by registered mail, a petition meeting the requirements of this section.

g. The petition shall be signed by twenty (20) per centum or more of the persons who are qualified to vote in municipal general elections of the City of Rockville and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the City. Each person signing the petition shall indicate thereon such person's name and residence address. Upon receiving the petition for a referendum, the Council is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty (20) per centum of the persons who are qualified to vote in municipal general elections.

h. If the petition for a referendum complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Rockville. This may be at either the next regular general election or at a special election, in the discretion of the Council. In the event a special election is designated, it shall be held within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters of the City.

(Res. No. 8-78; Res. No. 25-70; Res. No. 59-67)

Editor's note: Res. No. 25-70 added to subsection c. the last three (3) sentences beginning with "Prior to the passage . . ." Res. No. 8-78 deleted from subsection d. language referring to the provisions of Article 23B of the Annotated Code of Maryland as is presently contained in Anno. Code of Md., Art. 23A, § 13(d).

Section 3. Initiation by Petition.

a. Twenty (20) per centum or more of the persons who are qualified to vote in municipal general elections in the City of Rockville may initiate a proposed amendment or amendments to the Charter, by a petition presented to the Council. The petition shall contain the complete and exact wording of the proposed amendment or amendments, and the proposed amendment or amendments shall be prepared in conformity with the several requirements contained in subsections b. and c. of Section 2 of this Article. Each person signing it shall indicate thereon such person's name and residence address. Upon receiving the petition, the Council is directed to verify that any person who signed it is qualified to vote in municipal general elections, and shall consider the petition as of no effect if it is signed by fewer than twenty (20) per centum of the persons who are qualified to vote in municipal general elections. If the petition complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, and not later than sixty (60) days after the petition shall have been presented to it, specify the day and the hours for the election at which the questions shall be submitted to the voters of the City of Rockville. This may be at either the next regular municipal general election or at a special election, in the discretion of the Council. In the event a special election is designated, it shall be within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the City.

b. Provided, however, that if the Council shall approve the amendment or amendments provided for in the petition presented to it under subsection a. above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the Council and in compliance with the provisions of Section 2 of this Article.

(Res. No. 8-78; Res. No. 59-67)

Editor's note: Res. No. 8-78 deleted references to Article 23B of the Annotated Code of Maryland as are presently contained in Anno. Code of Md., Art. 23A, § 14.

Section 4. Posting and Publication.

The Mayor shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For not less than four (4) weeks immediately preceding the election at which the question is to be submitted a complete and exact copy of the wording of the proposed Charter amendment

or amendments shall be posted at City Hall or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Notice of the election, together with a fair summary of the proposed amendment or amendments, shall be published in a newspaper of general circulation in the City of Rockville, not less than once in each of the four (4) weeks immediately preceding the election.

(Res. No. 8-78; Res. No. 59-67)

State law references: Similar provisions, Anno. Code of Md., Art. 23A, § 15.

Section 5. Referendum.

a. On the day and during the hours specified for any referendum, the proposed Charter amendment or amendments shall be submitted to the qualified voters of the City. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the proposed Charter amendment or amendments. It is the intent of this section that the referendum election shall be conducted generally according to the procedures and practices observed for regular City elections, except as specifically or necessarily modified by the provisions of the section. The wording specified by the Council in the resolution providing for a referendum on the Charter amendment or amendments, shall be placed on the ballots or voting machines used at the referendum election. The expenses of the referendum election shall be defrayed by the City.

b. The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the referendum to the Mayor.

c. If a majority of those who vote on any question so submitted to the voters of the City shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim publicly within ten (10) days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed Charter amendment or amendments shall become a part of the Charter of the City of Rockville, according to its terms, in all respects to the effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim, adding to the proclamation the statement that the proposed amendment or amendments contained in said question are null and void and of no effect whatsoever.

(Res. No. 8-78; Res. No. 59-67)

State law references: Similar provisions, Anno. Code of Md., Art. 23A, § 16.

Section 6. Form and Registration of Amendment.

a. In any proposal to amend an existing Charter of the City, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matter to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.

b. The resolution to amend the Charter shall identify the source of the existing section or sections, citing the code or other publication or amendment in which appears the most recent text of the section or sections to be amended.

c. Amendments to the Charter shall be in a consecutively numbered series.

d. The resolution to amend the Charter shall provide specifically (and not simply by implication) for the repeal of any section or sections of the existing Charter which are inconsistent with the amended section or sections.

e. A proposal to amend the Charter, whether initiated by the Council or by a petition of qualified

voters of the City, may not be rescinded after its adoption by the Council or after its formal submission in a petition, in any manner other than that of another Charter amendment.

f. At the time a Charter amendment or amendments become effective by reason of having been ordained or passed by the Council, or at the time of making a public proclamation as to the vote on any question containing a proposed Charter amendment or amendments which have been adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland and to the Department of Legislative Reference the following information concerning the Charter amendment or amendments: (1) The complete text thereof, (2) the date of the referendum election, if any, (3) the number of votes cast for and against each question containing the Charter amendment or amendments, whether in the Council or in a referendum, and (4) the effective date of the Charter amendment or amendments.

g. The Charter amendment or amendments are not effective and shall not be applied or considered as if effective, unless and until it or they have been registered as required in subsection f. of this section.

(Res. No. 8-78; Res. No. 59-67)

Editor's note: Res. No. 8-78 deleted from section f.(1) references to Article 23B of the Annotated Code of Maryland.

State law references: Similar provisions, Anno. Code of Md., Art. 23A, § 17.

Section 7. Codification of Amendments.

The exact text of any amendment or amendments to the Charter adopted as in this Article specified, shall thereafter be included in any subsequent edition or codification of the Charter of the City, until altered, modified or repealed by a subsequent amendment or amendments to the Charter.

(Res. No. 8-78; Res. No. 59-67)

State law references: Similar provisions, Anno. Code of Md., Art. 23A, § 18.

ARTICLE VI THE CITY MANAGER

Section 1. Qualifications, Appointment and Removal.

a. There shall be a City Manager who shall be head of the administrative branch of the City government. The City Manager shall be appointed by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office, and shall serve at such compensation as the Council may determine. The City Manager need not be a resident of the City or State prior to appointment to the office, but shall reside within the City while serving in the office.

b. The City Manager may be removed by the Council by a majority vote of all its members.

(Res. No. 8-78; Res. No. 24-60)

Section 2. Powers and Duties.

The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, shall have power and shall be required to:

1. Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office;
2. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;
3. Perform such other duties as may be prescribed by ordinance, or required of such office by the Mayor and Council, not inconsistent with this Charter.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Absence of City Manager.

During any temporary absence or disability, the City Manager may designate by letter filed with the City Clerk a qualified administrative officer of the City to perform the duties of the office. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the office until the return or cessation of disability of the City Manager.

(Res. No. 8-78; Res. No. 24-60)

ARTICLE VII FINANCE

Section 1. Fiscal year.

The fiscal year of the City shall begin the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: For State law as to the fiscal year of all cities, see Anno. Code of Md., Art. 19, § 35, Art. 24, § 1-102.

Section 2. Budget.

The City Manager, at least one (1) month before the beginning of each fiscal year, shall submit a recommended budget to the Council. Such budget shall provide a financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year.

After at least one (1) public hearing on the recommended budget, the Council shall adopt a final budget for the year. Such final budget may contain new items, eliminate proposed items, or increase or decrease the same. The budget shall be adopted in the form of an ordinance, which, by its terms, shall appropriate anticipated revenues to the designated expenditure items. The Council shall have the power to amend the budget ordinance at any time during the fiscal year. Transfers of funds between budget ordinance items may be authorized by resolution of the Council at any time, subject to any restrictions contained in the budget ordinance.

(Res. No. 8-78; Res. No. 46-67; Res. No. 24-60)

State law references: Budgets authorized to be on accrual method, Anno. Code of Md., Art. 24, § 1-103.

Section 3. Over-Expenditures Forbidden.

Neither the Council, or any officer or employee, shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

(Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-29)

Section 4. Lapse of Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year.

(Res. No. 8-78; Res. No. 24-60; Res. No. 1-84, § 1, 1-23-84)

Section 5. Taxable Property.

Taxes shall be levied upon all taxable property located within the corporate limits of the City of

Rockville. All such taxes shall constitute a lawful obligation to the Mayor and Council of Rockville and, as to real property, shall constitute a lien against the property on which they are levied.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: For State law as to tax sale, see Anno. Code of Md., Tax-Property Article, § 14-801 et seq.

Section 6. Annual Levy.

As soon as may be practicable after the adoption of the budget ordinance, and after the ascertainment of the assessed valuation of property subject to taxation, but not later than the thirtieth day of June of each year, the Council shall, by ordinance, levy upon all taxable property such rate or rates of tax as shall be determined by the Council to be necessary to provide a balanced budget for the fiscal year next ensuing. The City Manager shall collect all such taxes as the same become due.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: For the State definition of "City taxes" see Anno. Code of Md., Art. 81, § 2(14).

State law references: Annual tax levy, Anno. Code of Md., Tax Property Article, § 6-203 et seq.

Section 7. One-half Year, Three-quarter Year and One-quarter Year Levies.

All improvements which become substantially completed between July first and September thirtieth in any year shall be subject to taxation in such year at three-fourths of the regular tax rate levied for City purposes for such year. All improvements which become substantially completed between October first and December thirty-first in any year shall be subject to taxation in such year at one-half of the regular tax rate levied for City purposes for such year. All improvements which become substantially completed between January 1 and March 31 in any year shall be subject to taxation in such year at one-quarter of the regular tax rate levied for City purposes for such year. The Mayor and Council may also impose such other periodic tax levies as may be authorized by state law. In the case buildings under construction, the term "substantially completed" shall mean when the building is under roof, plastered (or ceiled) and trimmed.

Res. No. 8-78; Res. No. 24-60; Res. No. 22-89, § 1, 8-7-89)

Editor's note: For state law as to semi-annual levies, see Anno. Code of Md. Tax-Property Article, § 10-103.

Section 8. When Taxes Due and Payable; Interest; Penalty.

All City taxes shall be due and payable as provided by state law. Overdue taxes shall be subject to interest and penalties as provided by State law or by City ordinance or resolution.

(Res. No. 8-78; Res. No. 24-60; Res. No. 22-89, § 1, 8-7-89)

Section 9. Fees.

All fees received by officials or employees of the City government in their official capacities shall belong to the City government and be accounted for to the City.

(Res. No. 8-78; Res. No. 24-60)

Section 10. Audit.

The financial books and accounts of the City shall be audited annually by a Certified Public Accountant.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: For State law requiring annual audits, see Anno. Code of Md., Art. 19, § 40. See generally Anno. Code of Md. (1957), Art. 19, §§ 35--41 for State law requiring municipalities to have a uniform system of accounts and financial reporting.

Section 11. Borrowing Money.

- a. The Mayor and Council of Rockville shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its bonds or notes, including tax anticipation notes and bond anticipation notes, in the manner and on the conditions hereinafter prescribed. The word "bonds" as used herein shall be interpreted to include notes.
- b. All such bonds shall be authorized by ordinance of the Council, which ordinance shall contain the following:
 - (1) A statement of the public purpose for which the proceeds of such bonds are to be expended.
 - (2) The complete form of said bonds, which shall include the place or places and time or times of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of such rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted thereon, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on said bonds will be payable.
 - (3) The form of the notice soliciting bids for the purchase of said bonds which shall set forth the date, place and time for receiving and opening bids and a brief description of the purpose or purposes for which said bonds are to be issued, a brief description of the denominations, maturities, terms and conditions of said bonds, a statement of the rate or rates of interest to be borne by said bonds or the manner of determining the same, a precise statement of the manner in which the best offer for said bonds will be determined and a reference to the resolution authorizing the same. Said notice of sale may also require prospective purchasers to submit bids on specified forms, may require such prospective purchasers to accompany their bids with good faith deposits in specified amounts, may make appropriate provisions for approval of the legality of such bonds, and may contain a financial statement of the Mayor and Council of Rockville. The foregoing provisions which may be included in such notice of sale may also be separately set forth in a circular or official statement.
 - (4) Specific provision for the appropriation and disposal of the proceeds of sale of said bonds and a specific provision for the payment of the principal thereof and the interest thereon, which such provision shall also specify the source or sources of such payment. Such ordinance may contain such other provisions, not inconsistent with this section, as the Council may deem appropriate or desirable, including authority to make such modifications in the forms adopted by such ordinance as will not alter the substance of such forms.
- c. An ordinance so authorizing any such bonds may also provide:
 - (1) That the principal of and interest on said bonds shall be payable at one (1) or more banks or trust companies which may be either within or without the State.
 - (2) That the official signatures and seals to be affixed to any such bonds or the coupons, if any, attached thereto, except one (1) such official signature which shall be manually affixed, shall be imprinted on said bonds or coupons in facsimile.
 - (3) That any such bonds shall be redeemable in whole or in part at the option of the Council at any time prior to the respective maturities thereof at such price or prices, either at or above the par value of such bonds as the Council may prescribe in the enabling ordinance, provided that any such bonds shall contain a statement of such redemption provisions and provided further that such enabling ordinance shall make provision for due and proper prior published notice of any such redemption.
 - (4) That any such issue of bonds shall be in varying denominations and shall be in coupon form, registerable as to principal only, or in fully registered form, or both, provided that if both forms are authorized, the same shall be interchangeable.
 - (5) That, in the event any official whose signature shall appear on any such bonds shall cease to be such official prior to the delivery of such bonds or, in the event any such official whose signature shall appear on any such bonds shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations in accordance with

their terms.

(6) That the taxes or other revenues, or both, from which the principal of or interest on any such bonds are expressly made payable, may be paid in whole or in part to a bank or trust company designated by the Council, for administering and disbursement pursuant to a trust instrument between the Mayor and Council of Rockville and such bank or trust company.

d. The Mayor and Council of Rockville may in accordance with the procedure set forth in this section issue and sell bonds payable as to principal and interest solely from the revenues of one (1) or more revenue-producing projects of the City, which bonds shall not constitute an indebtedness to which the full faith and credit or taxing power of the City are pledged.

e. The Mayor and Council of Rockville shall not authorize the issuance of any tax anticipation notes maturing later than eighteen (18) months from their respective dates of issue, nor the issuance of any general obligation or revenue bonds maturing later than forty (40) years from their respective dates of issue.

f. The Mayor and Council of Rockville in its discretion may sell any bonds, whose issuance is authorized by this section, by private negotiation, provided (i) the City receives the written opinion of a financial advisor (an individual[,] firm or corporation having a nation-wide and favorable reputé for skill and experience in such matters) appointed by the Council to the effect that the terms of such sale are fair and consistent with then current market conditions, and (ii) in the event such bonds have been publicly offered, such bonds shall not be sold by private negotiation within a period of sixty (60) days following the rejection of bids received at a public offering on terms less favorable to the City than any of the competitive bids received at such public offering. Whether such bonds are sold upon competitive bids or by such private sale, the sale may be for less than the par or face value of such bonds.

g. The Mayor and Council of Rockville shall have the power to convey or assign its property (including, without limitation, mortgaging or creating any security interest therein) as additional or sole security for the payment of its obligations (whether general obligations, limited or special obligations, obligations payable only from designated sources or funds, or any other forms of obligations) incurred to finance (whether directly or by reimbursement of City funds previously expended for such purpose) (1) the acquisition of the property so conveyed or assigned, (2) the construction of any public facilities on such property, (3) the development of such property including (without limitation) grading, road construction, and installation of water, sewers, and other utilities, to provide sites for industrial and commercial expansion and (4) any combination of (1), (2), and (3), provided, however, that (i) such property was or is to be acquired for a public purpose, including (without limitation) recreational facilities or the development of sites to promote industrial or commercial expansion, and (ii) the procedure prescribed by this section to authorize the borrowing of money shall be followed, and (iii) the ordinance authorizing such conveyance or assignment shall be adopted after a public hearing thereon held not less than ten (10) days after the first publication of notice of such hearing in a newspaper of general circulation in the City of Rockville.

h. Annually the Director of Finance, or any assistant thereto, shall cremate or burn all of said bonds and coupons which have been redeemed and paid by the Mayor and Council of Rockville and returned to the said Director of Finance up to the close of the last preceding fiscal year. Appropriate cremation certificates, attested to by the Clerk-Treasurer and the Director of Finance, showing the amount of bonds and coupons so destroyed, shall be entered upon the records of the Director of Finance and copies shall be filed with the Clerk-Treasurer.

i. Nothing contained in this section shall be deemed or construed to impair the terms and conditions of any bonds or other obligations of the City of Rockville issued prior to the effective date of this section.

j. The authority conferred by this section shall be in addition to other applicable authority, including the provisions of public general laws of the State of Maryland, and the Mayor and Council of Rockville shall be entitled to exercise all of the powers therein contained, notwithstanding the provisions of this section.

(Res. No. 8-78; Res. No. 39-72; Res. No. 19-69; Res. No. 48-67; Res. No. 47-67; Res. No. 24-60)

Editor's note: See generally Anno. Code of Md., Art. 31 for State provisions concerning municipal debts, bonds, securities, etc.

State law references: Creation of municipal public debt, Anno. Code of Md., Art. 23A, § 31 et seq.

Section 12. Temporary Loans.

The Mayor and Council of Rockville, whenever, in its opinion, it is necessary for carrying out the municipal purposes of the City of Rockville, shall have the power to borrow from time to time upon the credit of said corporation such sum or sums as in its opinion may be necessary for such purposes, but the aggregate amount of such sums borrowed under the authority of this section shall at no time exceed one million dollars (\$1,000,000.00). In case money is so borrowed, it shall issue the promissory note or notes, or certificate or certificates of indebtedness of said corporation therefor, to be executed by the Mayor and the Clerk of Rockville under the seal of said corporation thereto affixed as evidence or evidences of indebtedness for said sum or sums so borrowed; and the sum or sums so borrowed and interest thereon shall be repaid from time to time as funds shall become available for that purpose from the funds of said City.

(Res. No. 8-78; Res. No. 51-67; Res. No. 74-64; Res. No. 24-60)

Editor's note: Res. No. 74-64 raised the temporary loan limit from one hundred thousand dollars (\$100,000.00) to five hundred thousand dollars (\$500,000.00) and Res. No. 51-67 raised the limit from five hundred thousand dollars (\$500,000.00) to one million dollars (\$1,000,000.00).

State law references: Creation of municipal public debt, Anno. Code of Md., Art. 23A, § 31 et seq.

Section 13. Purchasing and Contracts.

All purchases and contracts for the City government shall be made by the City Manager, or the Manager's authorized designee. The Council shall provide by ordinance for rules and regulations regarding purchases and contracts for the City.

(Res. No. 9-79; Res. No. 8-78; Res. No. 35-67; Res. No. 14-66; Res. No. 22-65; Res. No. 24-60; Res. No. 8-83, § 1, 1-31-83)

Editor's note: For application of "Little Miller Act" to municipalities, see Anno. Code of Md., State Finance and Procurement Article, § 17-102.

ARTICLE VIII PERSONNEL*

***Editor's note:** Police officers are governed by the "Law Enforcement Officer's Bill of Rights," Anno. Code of Md., Art. 27, § 727 et seq.

Section 1. Clerk to the Council.

The Council may appoint a Clerk, who shall also be Treasurer, and shall serve at its pleasure and at such compensation as it shall determine. The Clerk shall attend all meetings of the Council, keep a full and accurate account of its proceedings, and shall keep such other records and perform such other duties as may be required by this Charter or by the Council.

(Res. No. 8-78; Res. No. 24-60)

Section 2. City Attorney.

The Council may appoint a City Attorney who shall serve at its pleasure and at such compensation as it shall determine. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall perform such duties in this connection as may be required by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Authority to Employ Personnel.

The Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other authority and to operate the City government.

(Res. No. 8-78; Res. No. 24-60)

Section 4. Merit System.

The Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness. To carry out this purpose, the Council shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The City may request and avail itself of the facilities of the State for the administration of its merit system, as provided in State law.

(Res. No. 8-78; Res. No. 24-60; Res. No. 23-87, § 1, 10-12-87)

Editor's note: See Anno. Code of Md., Art. 64A, § 39.

Section 5. Civil Service.

- a. *Civil Service Divided Into Nonmerit and Merit Services.* The Civil Service of the City shall be

divided into nonmerit and merit, which shall also be known as the classified civil service.

b. *Nonmerit Service.* The nonmerit service shall be established by ordinance of the Mayor and Council and may include the following offices and positions:

1. Heads of all departments;
2. The Administrative Assistant to the City Manager;
3. Assistant City Manager;
4. Any new position authorized and approved by the Mayor and Council; [and]
5. Part-time, temporary and unpaid offices and positions.

c. *The Merit Service.* The merit service shall comprise all positions except those placed in the nonmerit service by resolution of the Mayor and Council or those appointed positions which are established by the Charter of the City of Rockville. All offices and positions included in the merit service shall be subject to any merit system rules and regulations which may be adopted.

(Res. No. 23-87, § 1, 10-12-87; Res. No. 18-89, § 1, 7-10-89)

Section 6. Prohibitions.

a. No person in the classified civil service of the City or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of sex, race, religion or political affiliation or any other factors not related to ability to perform the work. No person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified civil service of the City shall continue in such position after becoming a candidate for nomination or election to any City public office; no person seeking appointment to or promotion in the classified civil service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with the appointment, proposed appointment, promotion, or proposed promotion of such person; no officer or employee of the City shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party involved in City elections or for any political purpose related to City elections or City political issues from any person holding a position in the classified civil service of the City. No person holding a position in the classified civil service of the City shall take any part in the management, affairs, or political campaign of any political party involved in City elections or candidate for City public office.

b. Any person who singly or with others wilfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the City service, and shall, if an officer or employee of the City, immediately forfeit said office or position.

(Res. No. 8-78; Res. 24-60; Res. No. 4-84, § 1, 1-23-84; Res. No. 23-87, § 1, 10-12-87)

Editor's note: Res. No. 8-78 increased the maximum prison term from thirty (30) days to ninety (90) days so as to conform this section to Article XIV, Section 4 of this Charter which was similarly amended by Res. No. 11-76.

Section 7. Retirement System.

The City shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City.

(Res. No. 8-78; Res. No. 24-60; Res. No. 23-87, § 1, 10-12-87)

Section 8. Compensation of Employees.

A salary schedule for all classified positions shall be set from time to time by the Council. The Council shall establish a uniform schedule of reimbursement for travel and other expenses for the classified civil service.

(Res. No. 8-78; Res. No. 24-60; Res. No. 23-87, § 1, 10-12-87)

Editor's note: The City is subject to an order directing it to deduct certain amounts per week from the salary of an employee found to be the father of an illegitimate child and directing payment of such sum to the mother of the child. *Mayor and Council of Rockville v. Randolph*, 267 Md. 56, 296 A.2d. 574 (1972).

Section 9. Employee Benefit Program.

The City is authorized and empowered to provide for and participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the City for such programs.

(Res. No. 8-78; Res. No. 24-60; Res. No. 23-87, § 1, 10-12-87)

ARTICLE IX PUBLIC WAYS AND SIDEWALKS

Section 1. Definition of Public Ways.

The term "public ways" as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, viaducts, lanes and alleys.

(Res. No. 8-78; Res. No. 24-60)

Section 2. Control of Public Ways.

The City shall have control of all public ways in the City except such as may be under the jurisdiction of the State. Subject to the laws of the State of Maryland and this Charter, the City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Powers as to Public Ways.

The City shall have the power:

- a. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any City public way or part thereof, bridges, curbs, and gutters.
- b. To grade, lay out, construct, open, extend, and make new City public ways.
- c. To grade, straighten, widen, alter, improve, or close up any existing City public way or part thereof.
- d. To pave, surface, repave, or resurface any City public way or part thereof.
- e. To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- f. To construct, reconstruct, maintain, and repair bridges.
- g. To name City public ways.
- h. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

(Res. No. 8-78; Res. No. 24-60)

Section 4 Powers as to Sidewalks.

The City shall have the power:

- a. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.
- b. To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City property along any public way or part thereof.
- c. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- d. To require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner's expense according to reasonable

plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

(Res. No. 8-78; Res. No. 24-60)

ARTICLE X WATER AND SEWERS

Section 1. Mayor and Council Designated Water and Sewer Board; Power to Construct Facilities, etc.

The Mayor and Council of Rockville is hereby designated the Water and Sewer Board for Rockville. As such Board it is authorized and empowered to construct, operate and maintain a water system and water plant, a sanitary sewerage system and a sewage treatment plant, a storm water drainage system and storm water sewers; to construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems; to have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof; and to do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. It is hereby vested with all the rights and powers necessary for the introduction of water into and the distribution thereof throughout said City and for the collection and disposal of sewage and storm waters.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: See generally Anno. Code of Md., Health-Environmental Article § 9-701 et seq. for State law relating to municipal water and sewer systems.

Section 2. Additional Powers.

The Board shall have full control over the said water, sewage, and storm water systems, with authority to employ or designate such officials, superintendents, employees, or agents as may be necessary or proper to carry on the same, and to purchase all supplies and materials needed in constructing, operating, maintaining, or conducting the same, and also to provide rules and regulations for the construction, operation and maintenance of said systems. The Board is further authorized and directed to make suitable provisions for the protection of the property in said City from fire providing a suitable number of fire plugs or public hydrants properly adapted to that purpose and conveniently situated for use.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Title to Property; Purchase and Condemnation of Property.

The title to said plants and systems, and all lands, estates, waterways, conduit pipes, buildings, structures, machinery and all other parts thereof whatever, and all property belonging and pertaining thereto shall, when completed or acquired vest in the Mayor and Council of Rockville. The Mayor and Council of Rockville is hereby authorized and empowered to acquire by purchase, gift, bequest, devise, lease, or by condemnation in accordance with the procedure provided in the Annotated Code of Maryland, any land, or property situated wholly or partly in said City of Rockville or Montgomery County, or any interest, franchise, easement, rights or privileges therein which may be required for the purpose of constructing, establishing and maintaining said plants and systems or extensions thereof.

(Res. No. 8-78; Res. No. 24-60)

Section 4. Water and Sewer Bonds.

The Mayor and Council of Rockville is authorized and empowered to borrow money in such amounts and from time to time as may be necessary to carry out the powers set forth in this Article and to evidence such borrowing by the issue and sale of its bonds as authorized and in the manner prescribed by Article VII, Section 11 of the Charter of Rockville, or as may be otherwise permitted by law. Nothing contained in this section shall be deemed or construed to impair the terms and conditions of any bonds, notes or other obligations of the City issued prior to the effective date of this section.

(Res. No. 8-78; Res. No. 24-60)

Section 5. Annual Levy for Maintenance; Service Charges.

The Mayor and Council of Rockville is hereby empowered to provide by ordinance for raising sufficient annual revenue to provide for the construction, maintenance, operation and repair of its said water, sewerage and storm water drainage plants and systems. In addition to its power to levy an ad valorem tax on the assessable property within the corporate limits of said City, it shall have the power to charge and collect such service rates, water rents, ready to serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. If, after being billed, such charges are unpaid within thirty (30) days, the service may be discontinued. All such charges shall be a lien on the property served by said systems, collectible in the same manner as annual municipal taxes or by suit at law.

(Res. No. 8-78; Res. No. 24-60)

Section 6. Adjustment; Removal of Private Facilities; Enforcement; Penalties.

All individuals and corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the streets, alleys, highways or any public way in the City, which shall block or impede the progress of water, sewerage, and storm water drainage systems, when in progress of construction and establishment, shall, upon reasonable notice from the Water and Sewer Board, properly so shift, adjust, accommodate or remove the same at their own cost and expense, as to meet fully the exigencies occasioning such notice; and if any such individual or corporation shall refuse, neglect or fail, after such reasonable notice, to discharge any duty imposed by this section, said individual or corporation shall, in addition to but not in substitution for any other remedy or remedies that the Water and Sewer Board may have in the premises, be subject to a fine of one hundred dollars (\$100.00) for each and every offense, and also to an additional fine of fifty dollars (\$50.00) per day for every day that said refusal, neglect or failure shall continue; said fines to be collected as other fines in the City of Rockville are collected.

(Res. No. 8-78; Res. No. 24-60)

Section 7. Placing Public Service Structures.

Any public service corporation, company, or individual, before beginning any construction of, or placing of, or changing the location of any main, conduit, pipe, or other structure in the public ways of the City, shall submit plans to the Water and Sewer Board and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Board or officers acting on its authority. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Board may order it removed.

(Res. No. 8-78; Res. No. 24-60)

Section 8. Compelling Connections, etc.

The Council shall have power to pass, and to enforce by suitable penalties, such ordinances as may be found necessary to protect the water, sewerage and storm water drainage plants and systems hereinbefore mentioned and to require the connection of all houses, buildings and other structures within the present or future corporate limits of the City of Rockville with the water and sanitary sewer mains constructed or to be constructed and generally to pass and enforce all ordinances which it may deem proper for the health and cleanliness of the City. The Board shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Board, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Board may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed by the Board. Any violation of

an ordinance passed under the provisions of this section may be made a misdemeanor.

(Res. No. 8-78; Res. No. 24-60)

Section 9. Charges.

The Mayor and Council of Rockville may make a reasonable charge for each connection made to the City's water or sewer mains. This charge shall be uniform throughout the City, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

(Res. No. 8-78; Res. No. 24-60)

Section 10. Changes in Plumbing, etc., to Prevent Waste or Improper Use.

In order to prevent any leakage or waste of water or other improper use of the City's water system or sewage disposal system, the Board may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

(Res. No. 8-78; Res. No. 24-60)

Section 11. Private Systems.

The Council may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Council. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

(Res. No. 8-78; Res. No. 24-60)

Section 12. Extensions Beyond Boundaries.

The Mayor and Council of Rockville shall have the power to extend its water or sewerage system beyond the City limits.

(Res. No. 8-78; Res. No. 24-60)

Editor's note: The City cannot be compelled to extend sewer and water service to property located outside its corporate limits and not located in an area where the City has already been supplying water or sewerage service. *Mayor and Council of Rockville v. Goldberg*, 257 Md. 563, 264 A.2d 113 (1970).

Section 13. Right of Entry.

Any employee or agent of the Mayor and Council of Rockville or said Board, while in the necessary pursuit of official duties with regard to the water or sewage disposal systems operated by the said Board, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and, after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the City or in the County served by the City's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

(Res. No. 8-78; Res. No. 24-60)

Section 14. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or attempt to pollute any water used or to be used in the City water supply system. Any violation of the provisions of this section shall be a misdemeanor.

(Res. No. 8-78; Res. No. 24-60)

Section 15. Contracts.

The Mayor and Council of Rockville, if it deems advisable, may contract with any party or parties or any Federal, State or other governmental agency, inside or outside of the City, to obtain or to furnish water or to provide for the collection or removal of sewage.

(Res. No. 8-78; Res. No. 24-60)

Section 16. Special Assessments.

The Mayor and Council of Rockville shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs and gutters, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The authority to levy and collect such assessments shall be carried out in accordance with the procedures established for the making of similar assessments for other public improvements by the Mayor and Council of Rockville and shall include the authority to provide for the financing of said projects in the same manner and subject to the same restrictions.

(Res. No. 8-78; Res. No. 24-60)

ARTICLE XI SPECIAL ASSESSMENTS

Section 1. Streets, Sidewalks, etc.; Water and Sewers; Special Assessments, Borrowing Money, etc.

a. The Council is authorized and empowered whenever in its judgment, the public health, safety, welfare, comfort, or convenience requires it, to grade, construct, reconstruct, pave, provide streetlighting, landscaping or other public amenities, or otherwise improve any street, sidewalk, alley, curb and gutter, public highway, or any public right-of-way or property, or parts thereof, at such time and to such extent and of such materials and in such manner as shall be provided by ordinance and to purchase, contract to purchase, lay or contract to lay water mains and trunk and lateral sewers in said City and to pay the costs of all such work and assess said cost, or any part thereof, against the abutting property and any other properties benefited thereby as hereinafter provided in this section. For the purposes of this section, the term "water mains" shall include fire hydrants, meters, valves and connections and all other service equipment. The foregoing action may be initiated by the Council on its own motion without the filing of a petition by property owners hereinafter provided for.

b. Whenever a petition in writing, duly signed by the owners of at least twenty (20) percent of the front footage of all the property abutting upon or to be benefited by any such proposed public improvement, shall be filed with the Council praying for the construction of any public improvement herein mentioned, the Council shall, after having given the notice prescribed in the following subsection, hold a public hearing upon the matter of such petition, and shall, as soon thereafter as may be convenient, render its decision thereon granting or denying the said application, as in its judgment the public health, safety, welfare, comfort, or convenience may require; provided, however, that in case the Council shall grant such petition, it shall thereupon proceed in all respects in the manner and in the form hereinafter provided in this section.

c. Before entering upon the construction of any work or improvement specified herein, the Council shall by ordinance designate the location, extent and kind of work or improvement proposed to be done or made, the kind of materials to be used, the estimated cost of the improvement and the real property which will be specially benefited thereby and which it is proposed to assess to pay all or any part of the cost thereof, and shall fix a time and place when and where the owner or owners of the property to be so assessed therefor can be heard in reference thereto. Notice of such hearing, embodying the substance of said ordinance, shall be served upon the owners of said properties by mailing a copy thereof to their last known post office address of record and by publishing said notice two (2) times in some newspaper of general circulation in said City, the last publication to be not less than three (3) days before said hearing.

d. If after the hearing the Council shall be of the opinion that the public health, safety, welfare, comfort, or convenience requires the work or improvement proposed to be done or made, it shall provide by ordinance for the same and may charge the expense thereof or any part of such expense against the property which it shall find to be specially benefited thereby according to the front foot rule of apportionment or some other equitable basis as may be determined by it; and the Council shall include as a part of the cost of said work to be assessed against the benefited property the cost of said work embraced in street intersections and exemptions on corner lots or irregular shaped lots, the actual interest charges covering the term of indebtedness on the certificates issued for such public work and a reasonable percentage for advertising, clerical work and other miscellaneous expenses in connection with said work, and the items above stated are hereby declared to be a part of the cost of said public work. The Council shall also provide in said ordinance the time and terms upon which payment of said assessments for said work and improvements shall be made by said property owners, the rate of interest, if any, that shall be charged upon deferred payments and shall provide penalties for failure to pay any deferred payment when due. The ordinance may temporarily exempt certain properties from the assessment, in whole or in part, until a date certain and/or the occasion of a specific event or change in circumstances, provided that such exemption is made pursuant to legislation duly adopted by the Council which shall provide for, among other things, certain criteria and/or standards for properties entitled to an exemption. An assessment made pursuant to this Article shall be a lien upon the property against which it is charged superior to all other liens from the date of the approval of such assessment

by the Council. Any person aggrieved by the levy of a special assessment in accordance with the provisions of this Article may appeal the same to the Circuit Court for Montgomery County. Such appeal shall be taken according to the Maryland Rules set forth in Title 7. Appeals of the decision or judgment of the Circuit Court may be taken to the Court of Special Appeals and Court of Appeals as prescribed by the Maryland Rules.

e. In the event that provision shall be made for the payment of the assessment aforesaid in installments, upon a failure to pay any one (1) or more of said installments when the same shall become due, the whole amount thereof and of such assessment shall immediately become due and payable. All assessments levied hereunder whenever the same shall become overdue according to the terms of the ordinance providing therefor, or by reason of the nonpayment of any installment thereof, may be collected by action in equity to be brought in the county in which the land so assessed is situated or in the same manner as general taxes due said City are now or may hereafter be collected, and any sale made for the nonpayment of such assessment and any deed made pursuant to such sale shall be entitled to all the presumptions as to validity that now or may hereafter attach to sales and deeds made for default in payment of general taxes due said City; and when any real property assessed as herein provided for shall become liable to sale for any other assessment of tax whatsoever, then the assessment levied under this section shall become immediately due and payable, and the property against which they are levied may be sold therefor together with accrued interest thereon and costs to day of sale. If any sale made hereunder shall be set aside for failure to comply with the terms hereof, that fact shall not bar the right of said City to collect said assessment and enforce the lien thereof by equitable suit as aforesaid.

f. Any person or persons desiring the construction of any public work authorized under the provisions of this section may petition the Council in writing therefor; and if all the abutting property affected is represented in said petition and the petitioners agree therein to a waiver of legal requirements hereunder the Council may direct the construction of said work without compliance with said legal requirements and may assess the cost thereof in accordance herewith as though all legal requirements had been complied with; and said construction and assessments are hereby declared to be legal and valid as in this section provided.

g. To carry out the provisions of this section, the said Council may borrow such sums from time to time as may be needed to make such improvements pursuant to the authority set forth in Section 11 of Article VII of this Charter. Any obligations so incurred shall be general obligations of the City of Rockville and shall be payable first from the special assessments levied under the provisions of this section; and, in the event of any deficiency occurring in the amount received from said special assessment, the Council shall, and it is hereby directed to, make up such deficiency from the proceeds of ad valorem taxes which the Mayor and Council of Rockville shall levy upon all property within the present or future corporate limits of the City subject to assessments for full municipal taxation, without any limitation as to rate or amount.

h. If it be necessary, in the judgment of the Council, to reconstruct any public improvement or to make permanent repairs thereto, such reconstruction or repairs may be authorized and directed by the Council under the provisions of this section and all or any part of the cost thereof assessed in accordance herewith. This section shall be applicable to any existing public work. In addition, the Council is authorized to adopt legislation establishing the procedures whereby periodic, continuing, and on-going repairs and maintenance of a public improvement may be specially assessed.

(Res. No. 39-78; Res. No. 8-78; Res. No. 42-71; Res. No. 60-69; Res. No. 25-66; Res. No. 80-65; Res. No. 24-60; Res. No. 7-83, § 1, 1-31-83; Res. No. 30-93, § 1, 12-13-93)

ARTICLE XII CITY PROPERTY

Section 1. Acquisition, Possession and Disposal.

The City may acquire real, personal, or mixed property within or without the corporate limits of the City for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease or otherwise dispose of any property belonging to the City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this section becomes effective are vested in the City, subject to the terms and conditions thereof.

(Res. No. 8-78; Res. No. 24-60)

Section 2. Condemnation.

The City shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the City, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the City shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of Maryland.

(Res. No. 8-78; Res. No. 23-63; Res. No. 24-60)

Section 3. City Buildings.

The City shall have the power to acquire, to obtain by lease or rent, to purchase, construct, reconstruct, repair, alter, operate, and maintain all buildings and structures it deems necessary for the operation of the City government.

(Res. No. 8-78; Res. No. 24-60)

Section 4. Protection of City Property.

The City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition.

(Res. No. 8-78; Res. No. 24-60)

ARTICLE XIII REDEVELOPMENT-URBAN RENEWAL

Section 1. Definitions.

The following terms wherever used or referred to in this Article shall have the following meanings, unless a different meaning is clearly indicated by the context:

- a. "Federal Government" shall mean the United States of America or any agent or instrumentality, corporate or otherwise, of the United States of America.
- b. "Slum Area" shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- c. "Blighted Area" shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- d. "Urban Renewal Project" shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:
 - (1) Acquisition of a slum area or a blighted area or portion thereof;
 - (2) Demolition and removal of buildings and improvements;
 - (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Article in accordance with the urban renewal plan;
 - (4) Disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
 - (7) The preservation, improvement or embellishment of historic structures or monuments.
- e. "Urban Renewal Area" shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.
- f. "Urban Renewal Plan" shall mean a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall substantially conform to the master plan of the municipality as a whole, and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.
- g. "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

h. "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

i. "Municipality" shall mean the Mayor and Council of Rockville, a municipal corporation of this State.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Editor's note: The provisions relating to redevelopment-urban renewal were added to the City's Charter by Chapter 826 of the 1961 Laws of Maryland. The Maryland General Assembly subsequently amended those provisions by Chapter 700 of the 1967 Laws of Maryland and by Chapter 241 of the 1975 Laws of Maryland. Res. No. 8-78 made no substantive changes in those provisions, changing primarily capitalization and section designations so as to be stylistically compatible with the remainder of the Charter.

Section 2. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this Article are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this Article is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

a. To make or have made all surveys and plans necessary to the carrying out of the purposes of this Article and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

b. To prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

c. To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Article, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this Article, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or

any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

d. To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

e. To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this Article, including the power to enter into agreements with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

f. To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

g. To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

h. To generally organize, coordinate and direct the administration of the provisions of this Article as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

i. To exercise all or any part or combination of powers herein granted.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 3. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this Article, or may, if its legislative body by ordinance determines such action to be in the public interest elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this Article. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this Article granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(a) The power to pass a resolution to initiate an urban renewal project pursuant to Section 4 of this Article.

(b) The power to issue general obligation bonds pursuant to Section 9 of this Article.

(c) The power to appropriate funds, and to levy taxes and assessments pursuant to Section 2.c. of this Article.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 4. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

a. Tentatively finds that one (1) or more slum or blighted areas exist in such municipality;

- b. Locates and defines the said slum or blighted areas;
- c. Finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 5. Preparation and Approval of Plan for Urban Renewal Project.

The municipality, in order to carry out the purposes of this Article, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty (60) days after receipt of the plan for review; upon receipt of the recommendations of the planning body, or, if no recommendations are received within said sixty (60) days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project and the plan therefor. The municipality shall hold a public hearing on an urban renewal project and the plan therefor after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) The prospective urban renewal area, or any part thereof, is in fact a slum or blighted area; (2) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (3) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

An urban renewal plan may be modified at any time, provided, that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 6. Disposal of Property in Urban Renewal Area.

- a. The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Article. The purchasers or lessees and their successors and assigns shall be obligated to devote such real proeprty only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall

take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee shall provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the County in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

b. The municipality may dispose of real property in an urban renewal area, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to the United States of America or the State of Maryland, or any department or agency thereof, or to any private, public or quasi-public corporation, partnership, association, person or other legal entity, for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two (2) weeks in a newspaper of general circulation published in Montgomery County, Maryland, which notice shall set forth the names of the prospective transferees and the total land price. The municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate any transfer in an urban renewal area.

c. The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this Article, without regard to the provisions of subsection a. above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

d. Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this Article shall be conclusively presumed to have been executed in compliance with the provisions of this Article insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

(Res. No. 8-78; 1967 Laws of Md., Ch. 700, § 1; 1961 Laws of Md., Ch. 826, § 1)

Section 7. Eminent Domain.

Condemnation of land or property under the provisions of this Article shall be in accordance with the procedure provided in the Annotated Code of Maryland and acts amendatory thereof or supplementary thereto.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 8. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this Article, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this Article.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 9. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the

issuance and authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

Section 10. Parking.

For the purpose of financing the design, construction, establishment, extension, alteration, operation or acquisition of public parking facilities in connection with an urban renewal project, the municipality is authorized to create within its corporate limits special taxing districts for such purposes and to levy on all real and personal property subject to ordinary city taxes located within said special taxing districts an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or other obligations of such municipality issued for such purposes as the said principal and interest may become due. All such taxes shall be levied in the same manner, upon the same assessments, for the same period or periods and as of the same date or dates of finality as are now or may hereafter be prescribed for ordinary city taxes.

(Res. No. 8-78; 1963 Laws of Md., Ch. 646, § 1)

Section 11. Revenue Bonds.

In addition to the authority conferred by Section 9 of this Article, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this Article; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this Article, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(1) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, 1957 Edition, as amended. Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(2) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one (1) or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(3) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(4) In case any of the public officials of the municipality whose signatures appear on any bonds or

coupons issued under this Article shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Article shall be fully negotiable.

(5) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this Article or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Article.

(6) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this Article, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

(Res. No. 8-78; 1975 Laws of Md., Ch. 241, § 1; 1961 Laws of Md., Ch. 826, § 1)

Section 12. Separability.

If any provision of this Article, or the application thereof to any person or circumstances, is held invalid, the remainder of the Article and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this Article shall be in addition and supplemental to the powers conferred by any other law.

(Res. No. 8-78; 1961 Laws of Md., Ch. 826, § 1)

ARTICLE XIV GENERAL PROVISIONS

Section 1. Oath of Office.

a. Before entering upon the duties of their offices, the Mayor and each Councilmember shall take and subscribe the following oath or affirmation: "I, _____, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and Laws of this State."

b. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

(Res. No. 8-78; Res. No. 24-60)

Section 2. Official Bonds.

The Clerk and such other officers or employees of the City as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

(Res. No. 8-78; Res. No. 24-60)

Section 3. Service Charges; Garbage and Trash Collection.

The Council is authorized and empowered to levy and collect a service charge or fee for collections of garbage, trash, ashes and debris within the corporate limits of the City. The said charge or fee shall be fixed at a uniform amount for each separate household, and in the case of commercial or industrial establishments the Council may fix the said charge or fee according to a reasonable classification thereof. Any such fee or charge shall be levied and collected at intervals to be set by the Council, and, except as otherwise provided in this section, shall be levied and collected in all respects as the regular tax funds of the Mayor and Council of Rockville, and such charge or fee shall be a lien on the property served.

(Res. No. 8-78; Res. No. 24-60)

Section 4. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction in the District Court of Maryland for Montgomery County or in the Circuit Court for Montgomery County by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for six months in the County jail, or both, in the discretion of the Court. The party aggrieved shall have the right of appeal provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(Res. No. 8-78; Res. No. 11-76; Res. No. 24-60; Res. No. 29-93, § 1, 12-13-93)

Section 5. Prior Rights and Obligations.

All right, title, and interest held by the City or any other person or corporation at the time this Charter or any amendment thereto is adopted, in and to any lien acquired under any prior law, are hereby preserved for

the holder in all respects, as if said Charter or amendment had not been adopted, together with all rights and remedies in relation thereto. This Charter or any amendment thereto shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time said Charter or amendment becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by said Charter or amendment shall be instituted, proceeded with, and prosecuted to final determination and judgment as if said Charter or amendment had not become effective.

(Res. No. 8-78; Res. No. 24-60)

Section 6. Effect of Charter on Existing Ordinances.

All ordinances, resolutions, rules, and regulations in effect in the City at the time this Charter or any amendment thereto becomes effective which are not in conflict with the provisions of said Charter or amendment, shall remain in effect until changed or repealed. All ordinances, resolutions, rules, regulations in effect in the City at the time this Charter or any amendment thereto becomes effective which are in conflict with the provisions of said Charter or amendment be and the same hereby are repealed to the extent of such conflict.

(Res. No. 8-78; Res. No. 24-60)

Section 7. Effect of Other Laws.

The power and authority conferred by this Charter shall be in addition to other applicable authority, including the provisions of the Annotated Code of Maryland, and the Mayor and Council of Rockville shall be entitled to exercise all of the powers therein conferred, notwithstanding any of the provisions of this Charter.

(Res. No. 8-78; Res. No. 24-60)

State law references: Municipal corporations generally, Anno. Code of Md., Art. 23A.

Section 8. Separability.

If any section or part of a section of this Charter or any amendment thereto shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of said Charter or amendment nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

(Res. No. 8-78; Res. No. 24-60)

Section 9. Nonforfeiture Provision.

Neglect or nonuse shall not work a forfeiture of this Charter.

(Res. No. 8-78; Res. No. 24-60)

Section 10. Public Buildings Exempted from Taxation; Annual Payment from County for Street Maintenance, etc.

The public buildings and other County property in said City shall not be subject to taxation, and shall continue to the uses to which the same are now allotted; the judges of the several courts shall continue to hold their courts in the courthouse as heretofore; the County Executive, County Council, Board of Education, justices of the peace, sheriff, constables and all other State and County officers shall have, hold and exercise their offices in said City as heretofore, except as qualified by the other sections of this Article, and Montgomery County shall on or before the first day of January in each and every year, pay over to the Mayor and Council of Rockville, that proportion of the entire County levy for the repair of roads which the total real property assessed

within the limits of the City of Rockville bears to the whole amount of assessed property in Montgomery County, so that the Mayor and Council of Rockville may receive and disburse for the maintenance of the streets of said City the amount levied upon the real property within the corporate limits of the City of Rockville for the repair of roads by Montgomery County.

(Res. No. 8-78; Res. No. 24-60)

Chapter 8 ELECTIONS*

***Charter references:** Elections, Art. III.

Cross references: Financial disclosure by candidate for elected office, § 16-61.

State law references: Local elections generally, Anno. Code of Md., Art. 33, § 2-9.

Art. I. In General, §§ 8-1--8-20

Art. II. Types Of Elections, §§ 8-21--8-40

Art. III. Conduct Of Elections, §§ 8-41--8-60

Art. IV. Fair Election Practices, §§ 8-61--8-112

Div. 1. Generally, §§ 8-61--8-70

Div. 2. Campaign Financing, §§ 8-71--8-100

Div. 3. Campaign Practices, §§ 8-101--8-110

Div. 4. Remedies, §§ 8-111, 8-112

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board means the Board of Supervisors of Elections.

Campaign material means tangible material principally intended to promote the success or defeat of any candidate or candidates, principle or proposition, which has been, will be, or is sought to be submitted to a vote at any City election, including any pamphlet, circular, card, sample ballot, dodger, poster, advertisement, buttons, matchbooks, nail files, balloon or any other printed, multigraphed, photographed, typewritten, written matter or statement or any matter of statement which may be copied by any device or method or which may hereafter be used for making copies of printed or written matter in any form whatever for publication or distribution, relating to or concerning any candidate or prospective candidate for public office or for the acceptance or defeat of any proposition.

Candidate means an individual who seeks nomination for election, or election, to City office. An individual becomes a candidate for City office whenever any of the following events occur for an election cycle:

- (1) The individual has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00).
- (2) The individual has given consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00).
- (3) After written notification by the Board of Supervisors of Elections that any other person has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00) on the individual's behalf, the individual fails to disavow such activity by letter to the Board of Supervisors of Elections in care of the City Clerk within thirty (30) days of receipt of the notification.
- (4) The aggregate of contributions received under paragraphs (1), (2), and (3), in any combination thereof, exceeds three hundred dollars (\$300.00) or the aggregate of expenditures made under paragraphs (1), (2), and (3), in any combination thereof, exceeds three hundred dollars (\$300.00).
- (5) The individual files a certificate of candidacy for any City office in accordance with the provisions of Article III, Section 3 of the City Charter.

Campaign committee means any combination of two (2) or more persons appointed by a candidate, or candidates, or any other person or formed in any other manner which has as a principal purpose to assist or attempt to assist in any manner the promotion of the success or defeat of any candidate, candidates, principle or proposition which has been, will be, or is being sought to be submitted to a vote at any City election. A campaign committee is not required to report campaign and election contributions and expenditures unless such campaign committee expends more than five hundred dollars (\$500.00) to aid or oppose the nomination or election of any candidate as provided in Section 8-73(b). A citizens's association, not otherwise a campaign committee, shall not be deemed a campaign committee if it simply conducts a forum, or sponsors a meeting, for candidates to present information and/or express their views on issues to citizens in the community.

Contributions means the gift, transfer or promise of gift or transfer of money or other thing of value to any candidate, or the candidate's representative, or a representative of any campaign committee to promote or assist in the promotion of the success or defeat of any candidate, campaign committee, principle or proposition submitted to a vote at any election.

Election means general, special, and recall elections.

Expenditure means any gift, transfer, disbursement or promise of money or valuable thing by any candidate, treasurer, or other agent of such candidate, or campaign committee to promote or assist in the

promotion of the success or defeat of a candidate, campaign committee, principle or proposition submitted to a vote at any election.

Independent expenditure means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

Political party means a party, any of whose candidates for presidential elector received votes in either of the last two (2) preceding elections at which presidential electors were selected. Political party shall include all National, State, County and local chapters, divisions and affiliated organizations.

Registration means the act by which a person becomes qualified to vote in any election in the City.

Treasurer means any person appointed by a candidate or campaign committee to receive or disburse money or other things of value to promote or assist in the promotion of the success or defeat of any candidate, principle or proposition.

(Laws of Rockville, Ch. 4, § 4-1; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 1, 5-22-95)

Sec. 8-2. Computation of time.

In computing the times for notice to be given, or for the performing of any other act under this article, Saturday, Sunday or a legal holiday shall be included, except when the day on which notice should be given or an act should be performed occurs on a Saturday, Sunday, or legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such Saturday, Sunday, or legal holiday. In such computation the date of giving notice or performing any act and the day of registration or election shall be excluded.

(Laws of Rockville, Ch. 4, § 4-2; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-3. Election districts.

(a) The City shall be and the same is hereby divided into ten (10) election districts, as shown on the map designated "Map of Election Districts," dated March 21, 2001, and described as follows:

(1) *Election District No. 1.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of the Baltimore and Ohio Railroad Right of Way and proceeding in a north-eastern direction on the centerline of First Street to its intersection with the centerline of Veirs Mill Road; thence west on the centerline of Veirs Mill Road to its intersection with the centerline of East Jefferson Street also known as Maryland Route 28; thence proceed west on the centerline of East Jefferson Street to its intersection with the centerline of Maryland Avenue; thence south and west on the centerline of Maryland Avenue to its intersection with the centerline of Falls Road also known as Maryland Route 189; thence in a south-western direction along the centerline of Falls Road to where it intersects the centerline of Interstate 270; thence in a south-eastern direction on the centerline of Interstate 270 to its intersection with the centerline of Wootton Parkway; thence in an eastern direction on the centerline of Wootton Parkway to its intersection with the centerline of Edmonston Drive; thence in an eastern direction on the centerline of Edmonston Drive to its intersection with the centerline of the Baltimore and Ohio Railroad Right of Way; thence on the centerline of the Baltimore and Ohio Railroad in a north-western direction to its intersection with the centerline of First Street, the point of beginning.

(2) *Election District No. 2.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Veirs Mill Road also known as Maryland Route 28 and the centerline of the Baltimore and Ohio Railroad Right of Way; thence proceed west on the centerline of Veirs Mill Road to its intersection with the centerline of East Jefferson Street; thence proceed west on the centerline of East Jefferson Street to its intersection with the centerline of Maryland Avenue; thence south and west on the centerline of Maryland Avenue to its intersection with the centerline of Falls Road also known as Maryland Route 189; thence in a south-western direction along the centerline of Falls Road to its

intersection with the centerline of Interstate 270; thence in northern direction on the centerline of Interstate 270 to its intersection with a line extended toward the south-west from the westernmost block line of Block 9, Lots 6, 7, 9 as recorded in Plat Book B, Page 6, Subdivision of West End Park; thence along said Block line in a north-eastern direction on said block line of Block 9, Lots 6, 7, 9 of the Subdivision of West End Park to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in a northern direction to its intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in an eastern direction to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in an eastern direction to its intersection with the centerline of College Parkway; thence in a northern direction on the centerline of College Parkway to its intersection with the centerline of Princeton Place; thence in an eastern direction on the centerline of Princeton Place to the northern lot line of Plat 12701, Montgomery College Rockville Campus; thence east on said lot line of Plat 12701, Montgomery College Rockville Campus to its intersection with the corporate limit of the City of Rockville; thence south on the corporate limit of the City of Rockville to a point where the projected centerline of Westmore Road intersects the centerline of the Baltimore and Ohio Railroad Right of Way; thence south on the centerline of the Baltimore and Ohio Railroad Right of Way to its intersection with the centerline of Veirs Mill Road, the point of beginning.

(3) *Election District No. 3.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Veirs Mill Road and the centerline of First Street, proceeding in a northern direction on the centerline of First Street to a point where it turns into the centerline of Norbeck Road; thence in a north-eastern direction along Norbeck Road to its intersection with the corporate limit of the City of Rockville; thence along the corporate limit of the City of Rockville in a general direction of north and west to a point where the projected centerline of Westmore Road intersects the centerline of the Baltimore and Ohio Railroad Right-of-Way; thence south on the centerline of the Baltimore and Ohio Railroad Right-of-Way to its intersection with the centerline of Maryland Route 28 also known as Veirs Mill Road; thence east on the centerline of Veirs Mill Road to its intersection with the centerline of First Street, the point of beginning.

(4) *Election District No. 4.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of Veirs Mill Road and proceeding in a north-eastern direction on the centerline of First Street to a point where it turns into the centerline of Norbeck Road; thence continue in an eastern direction on the centerline of Norbeck Road to its intersection with the easternmost corporate boundary and thence along the corporate boundary in a general southern direction to a point of intersection with the centerline of Veirs Mill Road; thence proceed in a western direction on the centerline of the Veirs Mill Road to its intersection with the centerline of First Street, the point of beginning.

(5) *Election District No. 5.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of the Baltimore and Ohio Railroad right-of-way and proceeding in a north-eastern direction on the centerline of First Street to a point where it intersects with the centerline of Veirs Mill Road thence continue in an eastern direction on the centerline of Veirs Mill Road to its intersection with the easternmost corporate boundary and thence along the corporate boundary in a general southern direction to a point of intersection with the centerline of the Baltimore and Ohio Railroad right-of-way; thence proceed in a north-western direction on the centerline of the Baltimore and Ohio Railroad right-of-way to its intersection with the centerline of First Street, the point of beginning.

(6) *Election District No. 6.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Edmonston Drive and the centerline of the Baltimore and Ohio Railroad right-of-way and proceeding in a westerly direction on the centerline of Edmonston Drive to its intersection with the centerline of Wootton Parkway; thence in a western direction on the centerline of Wootton Parkway to its intersection with the centerline of Interstate 270 thence in a south-eastern direction on the centerline of Interstate 270 to its intersection with the southernmost corporate boundary; thence along the corporate boundary in a general eastern direction to its intersection with the centerline of the Baltimore and Ohio Railroad right-of-way; thence on the centerline of the Baltimore and Ohio Railroad in a north-western direction to its intersection with the centerline of Edmonston Drive, the point of beginning.

(7) *Election District No. 7.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Maryland Route 28 and the centerline of Interstate 270 and proceeding in a north-western direction on the centerline of Maryland Route 28 to a point of intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in a south-western direction to its projection with the centerline of Wootton Parkway; thence south on the centerline of Wootton Parkway to its intersection with the centerline of Scott Drive; thence west on the centerline of Scott Drive to its intersection with the corporate boundary of the City of Rockville; thence in a general south-eastern direction following the corporate boundary of the City of Rockville to its intersection with the centerline of Interstate 270; thence in a northern direction on the centerline of Interstate 270 to a point where it intersects the centerline of Maryland Route 28, the point of beginning.

(8) *Election District No. 8.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Maryland Route 28 and the centerline of Interstate 270 and proceeding in a north-western direction on the centerline of Maryland Route 28 to a point of intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in a south-western direction to its projection with the centerline of Wootton Parkway; thence south on the centerline of Wootton Parkway to its intersection with the centerline of Scott Drive; thence west on the centerline of Scott Drive to its intersection with the corporate boundary of the City of Rockville; thence in a general northern direction following the corporate boundary of the City of Rockville to its intersection with the centerline of Interstate 270; thence in a southern direction on the centerline of Interstate 270 to a point where it intersects the centerline of Maryland Route 28, the point of beginning.

(9) *Election District No. 9.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of West Gude Drive and the centerline of Hungerford Drive also known as Maryland Route 355; thence proceed west on the centerline of West Gude Drive to its intersection with the centerline of Interstate 270; thence south on the centerline of Interstate 270 to a point of intersection with a line extended toward the south-west from the westernmost block line of Block 9, Lots 6, 7, 9 as recorded in Plat Book B, Page 6, Subdivision of West End Park; thence along said Block line in a north-eastern direction on said block line of Block 9, Lots 6, 7, 9 of the Subdivision of West End Park to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in a northern direction to its intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in an eastern direction to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in an eastern direction to its intersection with the centerline of College Parkway; thence in a northern direction on the centerline of College Parkway to its intersection with the centerline of Princeton Place; thence in an eastern direction on the centerline of Princeton Place to the northern lot line of Plat 12701, Montgomery College Rockville Campus; thence east on said lot line of Plat 12701, Montgomery College Rockville Campus to its intersection with the corporate limit of the City of Rockville; thence north on the corporate limit of the City of Rockville to its intersection with the centerline of Hungerford Drive; thence north on the centerline of Hungerford Drive to its intersection with the centerline of West Gude Drive, the point of beginning.

(10) *Election District No. 10.* All that part of the City lying within the following boundaries: Beginning at a point on the corporate limit of the City of Rockville at the intersection of the centerline of Gude Drive and the centerline of Hungerford Drive also known as Maryland Route 355, proceeding in a north-westerly direction along the corporate limit of the City of Rockville to a point where the corporate limit of the City of Rockville meets Shady Grove Road; thence proceed in a south-western direction along the corporate limit of the City of Rockville to a point where the corporate limit of the City of Rockville intersects the centerline of Interstate 270; thence south on the centerline of Interstate 270 to a point where it intersects the centerline of West Gude Drive; thence in an eastern direction on the centerline of West Gude Drive to its intersection with the centerline of Hungerford Drive, the point of beginning.

(b) Newly annexed property will be assigned by the City Clerk to an election district or district(s) abutting the annexed property.

Sec. 8-4. Board of Supervisors of Elections.

The Board of Supervisors of Elections shall be appointed and shall supervise elections in accordance with Article III of the City Charter. In addition to the duties set forth in the City Charter, the Board may make recommendations to the Mayor and Council annually prior to budget review, on ways to enhance voter participation. The City shall provide adequate staff assistance to the Board to enable the Board to fulfill its duties.

(Laws of Rockville, Ch. 4, § 4-12; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-5. Election judges.

(a) *Number, examination.* The Board shall appoint judges of election in numbers sufficient to provide at least three (3) judges to serve at each polling place. The Board may require the attendance of these persons before it for examination with respect to their qualifications.

(b) *Qualifications.* Each judge must be a registered voter in the City and must be able to speak, read and write the English language. A person may not serve as a judge if said person is:

- (1) A candidate for any other City office;
- (2) The treasurer or campaign manager for any candidate for any City office; or
- (3) The treasurer or campaign chairman of a campaign committee.

(c) *Training.* Each judge must attend at least one (1) training session before each biennial general election.

(d) *Oath.* Each judge shall be required to take the oath prescribed by Article I, Section 6, of the Maryland Constitution before entering on the performance of the judge's official duties.

(e) *Powers.* The election judges shall have the same powers as are given to judges of State and County elections pursuant to the Annotated Code of Maryland, Article 33. Each voter shall be offered assistance in casting his vote by an election judge.

(f) *Compensation.* The compensation of election judges shall be fixed from time to time by the Mayor and Council.

(g) Any decision of any election judge with respect to a person desiring to vote may be appealed to the Board while polls remain open. The Board shall be available during at least the last hour of each election day for the purpose of hearing such appeals.

(Laws of Rockville, Ch. 4, § 4-13; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 2, 5-22-95)

Sec. 8-6. Voter registration.

(a) The City shall, to the extent possible, use the County voting rolls. Registration with the County of persons eligible to vote in City elections shall be deemed registration with the City. Persons not registered with the County but eligible to vote in City elections shall be registered with the City pursuant to procedures to be adopted by the Board of Supervisors of Elections. Persons registered with the City pursuant to the foregoing sentence shall be removed from the City voting roll upon any subsequent registration with Montgomery County; upon losing eligibility to vote in City elections; or, as of the 1st day of January of the next calendar year, upon failing to vote in any City election in the preceding five year period. City voter rolls shall be closed thirty (30) days before a City election.

(b) Any person eligible to register to vote in any City election may register and vote on the date of the election involved at City Hall. Election day registration must be done in person by the registrant at City Hall.

(c) Any person who registers to vote on the date of any City election in accordance with subsection

(b) shall establish such person's identity, place of residence and qualifications at the time of such registration by:

- (1) Completing a County or City voter registration form;
- (2) Submitting either:
 - a. A form or forms of identification which have been approved by the Board of Supervisors of Elections establishing the identity and place of residence of such person; or
 - b. An affidavit in a form which has been approved by the Board of Supervisors of Elections attesting to the identity and place of residence of the person desiring to register to vote which is executed by a person who:
 1. Is registered to vote;
 2. Registered to vote on a previous date;
 3. Is present with such individual; and
 4. Has personal knowledge of the actual residence of the individual seeking to register to vote.

Such affidavit shall be executed under the penalties of perjury.

(d) The effective period, for City elections, of any election day registration shall be the same as for registration made by any other method or procedure.

(e) The ballots of those registering on election day shall be kept separate from those previously registered and voting, until such time, not to exceed seven (7) days, as the registration of each such person voting on election day at such polling place has been checked and it is determined to the satisfaction of the Board of Supervisors of Elections that all such votes have been cast properly by qualified registrants or the votes not properly cast have been identified and separated.

(Laws of Rockville, Ch. 4, § 4-14; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 15-91, § 1, 6-10-91; Ord. No. 26-91, § 1, 9-23-91)

Sec. 8-7. Preservation of ballots.

All ballots or official voting tallies of any City election shall be preserved for at least six (6) months from the date of the election. Absentee ballot applications, certifications, ballot envelopes, and ballots shall be kept separate from ballots cast in the regular voting places and retained for six (6) months after the election.

(Laws of Rockville, Ch. 4, § 4-15; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-8--8-20. Reserved.

ARTICLE II. TYPES OF ELECTIONS

Sec. 8-21. General elections.

All general City elections shall be held at such dates and times as provided in Article III, Section 4, of the City Charter.

(Laws of Rockville, Ch. 4, § 4-21; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-22. Special elections.

All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner, as far as practical, as general City elections.

(Laws of Rockville, Ch. 4, § 4-22; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-23. Advisory referenda.

By passage of a resolution at least forty-five (45) calendar days preceding any general election, the Mayor and Council may direct that an advisory referendum of City voters may be undertaken on the questions set forth in such resolution. Upon petition of ten (10) percent or more of the registered voters of the City, at least forty-five (45) calendar days preceding any biennial general election, an advisory referendum shall be undertaken on the questions set forth in the petition. The results of such referendum shall be advisory only, and shall not be binding upon the Mayor and Council. Upon the passage of any such resolution or verification of a petition, it shall be the duty of the Board to place such questions on all City ballots or in a suitable place on all City voting machines, and to certify the results of the voting on such question(s) to the City Clerk by the close of business on the Monday following the election, who shall record the results in the minutes of the Council. The Board shall verify the status of the signatures of any referendum petition as City voters and the fact that the petition was not substantively altered after it was signed, prior to placing the question(s) on the ballots or machines.

(Laws of Rockville, Ch. 4, § 4-23; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-24. Recall elections.

Recall elections shall be conducted as provided in Article III, Section 6, of the City Charter.

(Laws of Rockville, Ch. 4, § 4-24; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-25--8-40. Reserved.

ARTICLE III. CONDUCT OF ELECTIONS

Sec. 8-41. Election procedures generally.

- (a) It shall be the duty of the Council to provide for each special and general election a suitable place for voting and suitable ballot boxes and ballots or voting machines, as provided in Sections 14-1 and 16-1 to 16-17 of Article 33 of the Annotated Code of Maryland, as amended, except that the ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no party or principal designation of any kind.
- (b) The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. on election days.
- (c) In determining the vote cast for each candidate or question the Board of Supervisors of Elections shall verify the accuracy of the counts by such procedures as it deems appropriate. Notwithstanding the above, however, in the event that the Board of Supervisors of Elections initially announces that a candidate for Mayor or a candidate for Councilmember has lost an election by a margin of one-half (1/2) percent or less, the Board of Supervisors of Elections must conduct a manual recount of two (2) election districts chosen at random, if requested by any candidate so affected within forty-eight (48) hours of the initial announcement of the election results.
- (d) The Board of Supervisors of Elections shall announce the unofficial results of the election as soon as possible after tabulating the results. The tentative results shall be posted at City Hall and shall be announced on the City cable television channel.
- (e) All challenges to the results of an election shall be submitted to the Board of Supervisors of Elections within forty-eight (48) hours of the initial announcement of the results.
- (f) Within seven (7) calendar days after the election, the Board shall resolve all challenges and shall certify the results of the election to the City Clerk, who shall record the results in the minutes of the Council. The results shall be posted at City Hall and shall be announced on the City cable television channel.
- (g) Any person aggrieved by reason of such determination of the Board may appeal to the Circuit Court for the County, according to the Maryland Rules governing administrative appeals.
- (h) The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The four (4) candidates for Council with highest number of votes in the general election shall be declared elected as members of the Council. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Council members wherein no candidate received the fourth highest number of votes, then, in either of such events, there shall be a runoff election between the candidates receiving the tie vote, to be held after thirty (30) days' notice, pursuant to applicable provisions of the City Charter and this chapter.

(Laws of Rockville, Ch. 4, § 4-31; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 3, 5-22-95; Ord. No. 7-01, 2-27-01)

Sec. 8-42. Absentee voting.

- (a) Any qualified voter who may be unavoidably absent from the City or who is otherwise prevented from being present and personally voting at the polls on any municipal election day may vote as an absentee voter upon the provisions contained in this section.
- (b) This section applies to elections for all candidates, Charter amendments and other questions at any election held in any year.
- (c) Printed application forms for absentee ballots shall be provided by the Board.
- (d) An application for an absentee ballot shall be available for mailing or distribution on the first day of May in any year prior to the election to which they apply, and may be rejected only by a majority vote

of the Board.

(e) Absentee ballots shall be available for mailing or distribution thirty (30) days prior to the election to which they apply. Applications for absentee ballots shall be accepted by the Board up to and including the time of closing of the polls on election day. The City will not mail absentee ballots less than seven (7) days before an election. Absentee ballots may be obtained by an authorized agent for a voter who is unable to pick up the ballot.

(f) Postage for transmitting the ballot material to the voter shall be paid by the Board, and postage for the return of ballots shall be paid by the voter.

(g) Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for that candidate but such vote shall not invalidate the remainder of the ballot.

(h) When the Board has sufficient proof that an absentee voter has died before election day, that ballot shall not be counted unless such proof is received after counting is completed.

(i) An absentee ballot shall be counted only if it is received by the City Clerk prior to the closing of the election polls.

(Laws of Rockville, Ch. 4, § 4-32; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 7-01, 2-27-01)

Sec. 8-43. Challengers or watchers.

Challengers or watchers may be selected by individual candidates who have been duly nominated as such, or by the presiding officer of the chief managing committee of any voluntarily associated group of candidates. Such challengers or watchers shall have the rights and be subject to the same limitations as set forth in Article 33 Section 15-3 of the Annotated Code of Maryland.

(Laws of Rockville, Ch. 4, § 4-33; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-44. Voter assistance.

(a) *Physical assistance.* In addition to their other duties, election judges shall provide assistance to voters who, due to physical infirmity, have difficulty in voting. The City shall make appropriate provisions for handicapped voters including but not limited to providing ramps and otherwise making the polls accessible; and, pursuant to procedures established by the Board, provisions permitting handicapped persons to vote from any accessible location not greater than one hundred (100) feet from an entrance to the building of such person's polling place.

(b) *Instructions.* With the aid of diagrams and a voting device, the election judges, if requested by the voter, shall instruct each such voter, before he enters the voting booth, regarding the marking of such voter's ballot, and shall give the voter opportunity to personally operate a voting device.

(c) *Assistance to certain persons.* Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union.

(d) *Manner of giving assistance; further instructions.*

(1) Assistance in marking their ballots or operating a voting machine shall be given to voters who shall declare under oath to the judges that by reason of blindness, disability or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine. No ballot shall be marked under this section or voting machine operated until a majority of the judges shall be satisfied of the truth of the fact stated in such affidavit. Upon making and filing with the judges such affidavit, the voter shall retire to one (1) of the booths or voting machines with any person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union, or with two (2) election judges. Then and there the person whom the voter has selected, or in case the voter has selected no one, one (1) of the judges in the presence of the other shall mark the ballot or operate the voting machine as such voter shall direct. The only assistance which it shall be

lawful for such person or for the judges to give the voter is to mark the ballot or operate the voting machine, as the voter shall direct, without prompting or suggestion from them or either of them.

(2) If, however, any voter, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, then two (2) of the judges shall give him such instructions, but no such judge shall, in any manner, request or suggest, or seek to persuade or induce any such voter to vote for or against any particular ticket, for or against any particular candidate, or for or against any particular question. After giving such instructions, the judges shall retire and the voter shall forthwith vote.

(e) *Person accompanying voter into booth or machine.* A voter may not be accompanied into a voting booth or voting machine by any person over the age of eleven (11) years unless the affidavit required by subsection (c) of this section has been accepted by the election judges.

(Laws of Rockville, Ch. 4, § 4-34; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 7-01, 2-27-01)

Sec. 8-45. Electioneering.

No person shall canvass, electioneer or post any campaign material in any polling place or within a 50-foot radius from the entrance and exit of the building where ballots are cast. The Board of Supervisors of Elections may modify the 50-foot requirement to accommodate unusual sites and/or weather conditions, provided that no canvassing, electioneering or posting shall be allowed within the building where ballots are cast, and voter ingress and egress to the polling place will not be impeded. Polling places and voting stations shall be frequently cleaned to ensure the removal of candidate paraphernalia.

(Laws of Rockville, Ch. 4, § 4-35; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 7-01, 2-27-01)

Sec. 8-46. Nonpartisan elections.

Candidates shall not run for office as the representative of or nominee of any political party.

(Laws of Rockville, Ch. 4, § 4-36; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-47--8-60. Reserved.

ARTICLE IV. FAIR ELECTION PRACTICES

DIVISION 1. GENERALLY

Sec. 8-61. Applicability.

The provisions of this article shall apply to all elections in which ballots shall be cast pursuant to the provisions of this chapter.

(Laws of Rockville, Ch. 4, § 4-41; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-62. Distribution of article, forms to candidates.

The City Clerk shall provide for the distribution of this article to all candidates for election to public office at the time such candidates file for election and shall prepare and include in such distribution to each candidate forms provided for in this article.

(Laws of Rockville, Ch. 4, § 4-42; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-63--8-70. Reserved.

DIVISION 2. CAMPAIGN FINANCING

Sec. 8-71. Appointment of treasurer; resignation of treasurer; reports of candidate and treasurer; candidate joining slate.

(a) (1) Each candidate for election to office, upon or before, and as a condition precedent to qualifying as candidate, shall appoint one treasurer and shall file the name and address of the treasurer with the City Clerk as provided in subsection (c) of this section. A person who becomes a candidate by virtue of paragraphs (1), (2), (3) or (4) of the definition of candidate in section 8-1, shall appoint one treasurer and shall file the name and address of the treasurer with the City Clerk as provided in subsection (c) of this section within fifteen (15) days after becoming a candidate. Every treasurer so appointed shall accept the appointment, in writing, prior to the filing of his name as treasurer. A treasurer, when accepting appointment, shall certify that the treasurer will serve until all duties have been performed or a successor is duly chosen. The City Clerk may not accept any certificate of candidacy, either finally or conditionally, unless the name of the treasurer has been filed with the Clerk previous to or simultaneously with the filing of the certificate of candidacy. The candidate and treasurer shall file campaign fund reports in accordance with section 8-81.

(2) A treasurer who resigns shall do so on a form prescribed by the Board of Supervisors of Elections signed by him, filed with the City Clerk. The candidate immediately shall appoint and file a new treasurer in accordance with this section. The treasurer's resignation shall not be effective until a successor is registered with the City Clerk. A treasurer, when resigning, shall certify that the treasurer has served until all duties have been performed and a successor was duly chosen.

(3) A member of the Board of Supervisors of Elections or any permanent, part-time, or temporary employee of the Board, during such person's tenure in office or employment, may not be a candidate or treasurer of any candidate, combination of candidates, or campaign committee, nor may any member or employee actively participate in a City political campaign. Membership in a political party, without further action in connection with a City political campaign, shall not be deemed to be actively participating in a City political campaign.

(b) The form for appointment of a treasurer and the acceptance of such appointment by the treasurer

shall be on a form prescribed by the Board of Supervisors of Elections.

(c) A person may not serve as a treasurer unless the form described in subsection (b) of this section is filed with the City Clerk. Nothing in this subtitle shall either prevent the treasurer of any candidate from being the treasurer of another candidate or campaign committee. However, a candidate may not designate himself or herself as said candidate's own treasurer or act as treasurer of any other candidate or campaign committee. To be appointed or act as a candidate's treasurer in any election a person must be a registered voter in either the County of Montgomery or the City of Rockville and be either a resident of the City or have a business address in Rockville.

(Laws of Rockville, Ch. 4, § 4-51; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 4, 5-22-95)

Sec. 8-72. Candidates joining slates, designating campaign committees.

(a) Any candidate, after filing the name of a treasurer as prescribed in subsection 8-71(a), may choose, at any time after the filing to join a group, combination or organization of candidates, commonly known as a "slate," at which time the candidate shall notify the City Clerk in writing, of the fact that said candidate has joined the slate and the date on which said candidate did so. The slate shall be deemed to be a campaign committee for all purposes of this chapter. Any candidate who has only engaged in fundraising on behalf of the candidate's slate and who has submitted a statement indicating that said candidate has joined such slate, may disclose these facts and not be subjected to the other disclosure requirements of this section.

(b) A candidate may designate additional campaign committees in accordance with subsection 8-73 (c) to serve as committees which will be authorized to accept contributions or make expenditures on behalf of the candidate. For each such authorized committee, the candidate shall file a written designation with said candidate's treasurer. The treasurer shall file such designations with the City Clerk.

(Laws of Rockville, Ch. 4, § 4-52; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 5, 5-22-95)

Sec. 8-73. Appointment of chairperson and treasurer by campaign committee; reports.

(a) Every campaign committee, as defined in section 8-1 of this chapter shall appoint and constantly maintain a chairperson and a treasurer, whose names and residences addresses shall be filed with the City Clerk. The chairperson and treasurer shall be registered voters of the County of Montgomery or of the City of Rockville and be either residents of the City or have a business address in the City. The treasurer shall receive, keep, and disburse all sums of money, or other valuable things, which may be collected, received, or disbursed by the committee or organization or by any of its members for any purposes for which the committee or organization exists or acts. Unless the chairperson and treasurer are appointed and filed as required in this subsection, it is unlawful and a violation of this chapter for a campaign committee, or any of its members, to collect, or receive, or disburse money, or other valuable things, for such purposes. A chairperson or treasurer of a campaign committee who resigns or otherwise ceases to be chairperson or treasurer, as the case may be, shall notify the City Clerk on a form prescribed by the Board of Supervisors of Elections and signed by said chairperson or treasurer. A new appointment must be made and filed immediately in accordance with this section. The treasurer and chairperson shall file campaign fund reports in accordance with subsection (b) of this section and section 8-81 of this chapter.

(b) If any committee, directly or indirectly, expends five hundred dollars (\$500.00) or more to aid or oppose the nomination or election of any candidate, regardless of the purpose for which the committee is formed, the treasurer of such committee shall report, on the form prescribed in section 8-82 of this chapter, a statement of contributions and expenditures to the treasurer appointed by the candidate being so aided, which statement shall be included in, or attached to, the statement of contributions and expenditures reported by the treasurer of the candidate as provided in sections 8-81 and 8-82 of this chapter, except that if the committee has on file a current campaign fund report with either the State of Maryland or Montgomery County, then the identification of that campaign report by the committee that received the contribution would be sufficient to comply with the terms of this subsection.

(c) Any campaign committee authorized by a candidate to receive contributions or make expenditures shall be authorized in writing by the candidate and must register with the City Clerk.

(d) If any campaign committee becomes inactive or chooses to disband, a written statement to this effect must be filed with the City Clerk not later than the day by which the next report of such campaign committee is due. Such report shall show that all funds collected by such committee have been disbursed pursuant to section 8-76(d)(1) through (4) and shall identify such disbursements subject to section 8-82 of this chapter. No such report may be filed until such campaign committee has complied with the requirements of section 8-81. Unless the City is so notified, reports will be required and will be subject to late fees.

(Laws of Rockville, Ch. 4, § 4-53; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 6, 5-22-95)

Sec. 8-74. Campaign depositories; petty cash fund.

(a) Each candidate and campaign committee shall designate a campaign depository or depositories and all funds and contributions in furtherance of a candidacy or campaign committee shall, after receipt, be deposited by the treasurer in the designated campaign depository in an account properly identifying the name of and the existence of the political candidacy or campaign committee. Except as provided in subsection (b) of this section, a candidate or campaign treasurer may not pay any expense on behalf of a candidate, directly or indirectly, and a campaign committee may not pay any expense of such campaign committee except by check from the designated depository.

(b) A separate book or ledger shall be maintained for any petty cash expenditure. Expenditures from the petty cash fund shall be supported by vouchers retained by the treasurer and reported by category on the appropriate campaign fund report. The petty cash fund may not exceed two hundred fifty dollars (\$250.00) at any given time and the fund may be replenished only by check as provided in subsection (a) of this section. No more than twenty-five dollars (\$25.00) in the aggregate may be disbursed from the petty cash fund to any single recipient at any one time. This section does not authorize expenditures for any purpose which is unlawful under this chapter.

(Laws of Rockville, Ch. 4, § 4-54; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 7, 5-22-95)

Sec. 8-75. Expenditures by treasurer.

(a) *Contributions and expenditures to pass through treasurer.* All contributions, money, or other valuable things collected, received or disbursed by any candidate or campaign committee for any purpose shall be paid over to and made to pass through the hands of the treasurer and, except as provided in subsection 8-74(b), shall be disbursed by such treasurer. It is unlawful for any candidate or any member of a campaign committee to make any expenditure or to disburse or expend money or any other valuable things for any purposes until the money or other valuable things so disbursed or expended shall have passed through the hands of the treasurer.

(b) *Presentation of statement of moneys due.* Any statement of moneys owing by a treasurer shall be presented for payment to the treasurer within thirty (30) days after the election in connection with which the liability was incurred.

(Laws of Rockville, Ch. 4, § 4-55; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 8, 5-22-95)

Sec. 8-76. Books, records and receipts of treasurer.

(a) *Account books.* Every treasurer shall keep detailed, full and accurate accounts in a proper book to be called "account books," to be provided and preserved by such treasurer, of all contributions, money or valuable things received by or promised to, and of all expenditures, disbursements and promises of payment or disbursements of money or valuable things made by the treasurer.

(1) The account books shall set forth the date, amount, name and address of:

- a. All persons from whom more than ten dollars (\$10.00) was received (whether in the form of contributions, loans or other receipts).
 - b. All persons making in-kind contributions and the fair market value of the in-kind contribution, unless the in-kind contribution is food or beverage which is either:
 1. Served to a group of twenty-five (25) persons or less; or
 2. Costs less than one hundred dollars (\$100.00).
 - c. All persons to whom disbursements were made, the check number, purpose, and amount of disbursement.
- (2) The account books shall set forth the amount and date of all contributions of ten dollars (\$10.00) or less.
- (3) The account books shall set forth the date, amount, name and address of all persons to whom any sum or thing of value is disbursed and the object and purpose for which the sum or thing of value was disbursed.

Books and records may be destroyed or discarded at any time after two (2) years from the date of filing the final report required by section 8-81 unless a court of competent jurisdiction orders their retention for a longer period.

(b) *Campaign contribution receipts.*

(1) Upon receipt of a contribution, a "campaign contribution receipt," in a form prescribed by the Board of Supervisors of Elections, shall be issued and delivered either by mail or in person by the treasurer to each person or treasurer of a committee, group, or organization in whose name:

- a. Contributions are made in the individual or cumulative amount of more than ten dollars (\$10.00);
- b. Tickets are purchased for any dinner, testimonial, cocktail party, barbecue, crab feast or other campaign-related function in the individual amount of more than ten dollars (\$10.00) or in the cumulative amount of more than fifty dollars (\$50.00). Upon request, a receipt must be given for any lesser amount.

(2) The treasurer shall retain a duplicate copy of all "campaign contribution receipts" with his books and records as required by subsection (a) of this section and report the information therein in the statement of contributions and expenditures required by sections 8-73 and 8-82.

(3) The "campaign contribution receipt" issued to a contributor shall serve as evidence of a contribution by such contributor.

(c) *Anonymous contributions.* Except for contributions valued at ten dollars (\$10.00) or less, any money or other thing of value received from any unknown person or source by any treasurer, shall not be used for any political purpose whatsoever, but shall be paid by the treasurer so receiving the same, to the treasurer of the City.

(d) *Disposition of surplus funds.* Prior to the time of filing the final report required by section 8-73, any surplus funds remaining after payment of all campaign expenditures shall be:

- (1) Returned, pro rata, to the contributors by the treasurer;
- (2) Paid to the City;
- (3) Paid to a charitable organization registered pursuant to Article 41, Section 103B, of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, Section 103, of the Annotated Code of Maryland, as amended; or
- (4) In the case of continuing campaign committees, surplus funds may be carried forward to be used in the next election cycle provided such funds are reported as carry-forward receipts during the next election cycle.

Sec. 8-77. Contributions and expenses of candidates; loans.

(a) *Contributions and expenses.* The contributions of a candidate or his spouse to the candidate's own campaign are not subject to the limitations of subsection 8-78(b), but must pass through the hands of the candidate's treasurer and be reported as required in other provisions in this article. Personal expenses of the candidate for filing fees, telegrams, telephoning, travel, and board, shall not be considered contributions if paid for by the candidate or his spouse.

(b) *Loans.* No loan may be made to the campaign of a candidate, or candidates; or accepted on behalf of the campaign without the express written consent of the candidate or candidates. Written consent constitutes the personal guarantee of the candidate or candidates for repayment of the loan only if it expressly so provides. A copy of the consent shall be furnished to the lender at the time of the loan and attached to the appropriate campaign fund report required by sections 8-81 and 8-82.

(Laws of Rockville, Ch. 4, § 4-57; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-78. Contributions and expenses of persons not candidates.

(a) *Restrictions.* No person (other than a candidate with respect to contributions to said candidate's own campaign committee promoting, exclusively, said candidate's own candidacy) shall, to aid or promote the success or defeat of any campaign committee or principle or of any proposition submitted to vote at any public election or of any candidate for election to public office, make a payment or contribution of money or property or incur any liability or promise any valuable thing to any person other than to the treasurer of a candidate or treasurer of a campaign committee in said candidate's or treasurer's official capacity except as provided in subsections (b) and (c) of this section. A contribution may be made directly to a candidate provided such candidate shall thereupon report such contribution to said candidate's treasurer.

(b) *Exception for volunteering time and personal vehicle.* Nothing contained in this section shall limit or affect the right of any person to volunteer his time or personal vehicle for transportation incident to any election or to expend money for proper legal expenses in maintaining or contesting the results of any such elections.

(c) *Exception for expressing personal views, promoting candidate or proposition.* Nothing in this section shall preclude any person from expressing said person's own personal views on any subject, or making independent expenditures for hiring halls, holding receptions, buying newspaper space and radio or television time or otherwise promoting a candidate or proposition, independently from any campaign committee, provided that:

(1) Coincident with such statement or advertising notice shall be given that the:

- a. Views so expressed are the person's own;
- b. Statement so made is a "paid political advertisement"; and
- c. Person responsible for the advertisement is clearly identified.

The requirements of this subsection (1) shall not apply to any individual producing, publishing, or distributing campaign material promoting the success or defeat of any principle or proposition submitted to a vote at any City election, provided that such campaign material is produced, published, and distributed independent of, and not in coordination with, any campaign committee or other entity.

(2) All such independent expenditures must be reported, in accordance with the rules and filing dates pertaining to campaign committees under section 8-81, once they exceed twenty-five dollars (\$25.00).

(d) *Limit of contributions.* It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than five hundred dollars (\$500.00) to any single candidate or campaign committee or to contribute money in excess of one hundred dollars (\$100.00) except by check. Total contributions by a contributor to various campaign committees and candidates in any

election cycle under this subsection shall not exceed one thousand dollars (\$1,000.00).

(e) *Transfer of funds.*

(1) The following types of transfers are exempt from the limitations of five hundred dollars (\$500.00) and one thousand dollars (\$1,000.00) set forth in subsection (d) of this section:

- a. From one (1) candidate's treasurer to another candidate's treasurer;
- b. From the treasurer of a campaign committee to the treasurer of another campaign committee;
- c. From a candidate's treasurer to the treasurer of a campaign committee;
- d. From the treasurer of a campaign committee to a candidate's treasurer.

(2) No transfer of any kind, in any amount, is permitted if it is intended to conceal the true identity of the actual contributor or the identity of the intended recipient.

(f) *Election cycle.* An election cycle shall begin on the ninetieth day following the date of the previous general election and end on the eighty-ninth day after the next general election. Special elections shall not effect the commencement and conclusion of election cycles for purposes of the chapter. In the case of special elections, the Board shall prescribe a schedule for the filing of reports, which schedule shall be reasonably consistent with the intent of section 8-81 with respect to general elections.

(Laws of Rockville, Ch. 4, § 4-58; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 15-91, § 3, 6-10-91; Ord. No. 3-95, § 10, 5-22-95; Ord. No. 7-95, 6-26-95)

Sec. 8-79. Campaign communications by labor organizations, corporations, business associations.

A corporation, unincorporated business association, or labor organization, not otherwise a campaign committee may, without becoming thereby a campaign committee, make campaign communications to its stockholders or members, as the case may be, and executive or administrative personnel and their families on any subject, provided that:

(1) The material is produced at the expense of the corporation, association, or labor organization; and

(2) The material constitutes a communication of the views of the governing body of the corporation, association, or labor organization, and is not the republication or reproduction, in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents. A corporation, association, or labor organization may, under this section, use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's, association's, or labor organization's expression of its own views.

(Laws of Rockville, Ch. 4, § 4-59; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 11, 5-22-95)

Sec. 8-80. Payment for walk-around services on election day.

(a) *Prohibited.* No candidate, or campaign committee, or any person acting on behalf of any of the foregoing may at any time, directly or indirectly, pay or incur any obligation to pay, nor may any person receive, directly or indirectly, any sum of money or thing of value in return for a political endorsement or for walk-around services or any other services as a poll worker or distributor of sample ballots, performed on the day of the election.

(b) *"Walk-around services" defined.* For the purpose of this section, walk-around services include any of the following activities when performed for money on the day of the election, while the polls are open:

- (1) Distributing to any person any item enumerated in paragraph 8-101(7);

- (2) Communicating a voting preference or choice in any manner;
- (3) Stationing any person or object in or along the path of any voter; or
- (4) Electioneering or canvassing within the meaning of Article 33, Section 24-23(a)(4) of the Annotated Code of Maryland, as amended.

(c) *Exceptions.* This section does not apply to:

- (1) Meals, beverages and refreshments served to campaign workers;
- (2) Salaries of regularly employed personnel in campaign headquarters;
- (3) Media advertising including but not limited to newspaper, radio, television, billboard, or serial advertising;
- (4) Rent and regular office expenses; or
- (5) Cost of phoning voters or transporting voters to and from polling places.

(Laws of Rockville, Ch. 4, § 4-60; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 12, 5-22-95)

Sec. 8-81. Election reports to be filed by candidate, treasurer and committee chairperson.

(a) A candidate and the treasurer designated by that candidate, and the chairperson and every treasurer of a campaign committee, shall file the report or statement of contributions and expenditures as prescribed in accordance with section 8-62 with the City Clerk. All reports or statements of contributions and expenditures shall be filed in duplicate. It is the responsibility of the candidate and treasurer, jointly and severally, if it is the statement of a candidate; the chairperson and treasurer, jointly and severally if it is the statement of a campaign committee; and, in the case of a campaign committee which is a "slate" as described in section 8-72(a), the slate chairperson, treasurer and individual slate candidates, jointly and severally, if it is the statement of such "slate", to file all reports or statements in full and accurate detail. Except as provided herein, each report filed shall contain all contributions received and expenditures made through and including the seventh day immediately preceding the day by which that report is to be filed, except as otherwise provided in this section. The initial report filed in an election cycle shall contain all contributions so received and expenditures so made since the closing date of the last report in the preceding election cycle, except that to the extent that there is an outstanding deficit from the last preceding election cycle, contributions may be credited against said deficit and shown on the report required by subsection (a)(4) for the last preceding election until such contributions equal the amount of the deficit at which time further contributions will be included in the current election cycle even if there are remaining unpaid bills. Each subsequent report shall contain all contributions so received and expenditures so made since the end of the period for which the last preceding report is filed. Even if no contributions or expenditures have been made since the end of the period for which the last preceding report was filed, a statement to that effect must be filed on the forms prescribed pursuant to section 8-82 under the circumstances and at the times specified in this section. The initial and subsequent reports shall be consecutively filed no later than the dates and times provided as follows:

- (1) By 5:00 p.m. on the sixth Monday immediately preceding any election which report shall be complete through and including the Friday preceding such Monday; and
- (2) By 5:00 p.m. on the second Monday immediately preceding an election which report shall be complete through and including the Sunday preceding such Monday; and
- (3) Thirty (30) days after the election; and
- (4) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in subsection (a)(3) above or any subsequent report or statement is filed, annually on November 8th of every subsequent year until no cash balance, unpaid bill, or deficit remains; and
- (5) If a cash balance or outstanding debts or deficits were reflected on the last preceding report, but have all been eliminated by the date on which the next report is due, and the campaign committee has dissolved, or all of a candidate's accounts have been closed, then a

report clearly marked as "final" shall be filed on or before such date showing all transactions since the last report.

(6) If a candidate does not intend to receive contributions or make expenditures of three hundred dollars (\$300.00) or more, the candidate and his treasurer may jointly execute an affidavit to that effect on a form prescribed by the Board of Supervisors of Elections. If the candidate does not in fact receive contributions or make expenditures of three hundred dollars (\$300.00) or more, no further reports need be filed pursuant to this section. The affidavit shall be filed not later than the date by which the first report is due. If at any time the cumulative contributions to or expenditures by a candidate who has filed such an affidavit equal or exceed three hundred dollars (\$300.00), the candidate and the candidate's treasurer shall thereafter file all reports required by this section.

Cross references: Punishment for misdemeanors, § 1-10.

(7) Except for reports required by paragraphs (a)(1) and (a)(2) of this section, if a report is due on a Saturday, Sunday or legal holiday, the report shall instead be filed on the next business day.

(8) Reports required by paragraphs (a)(1) and (a)(2) of this section shall be hand-delivered to the City Clerk. A receipt shall be issued for all hand-delivered reports.

(b) With respect to candidates for public office, election reports as specified below are required by all candidates for public office, whether or not the candidate's name appears on the ballot, or the candidate withdraws subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in the election.

(c) (1) The chairperson and the treasurer of any campaign committee which continues in existence from year to year, shall file the report or statement of contributions and expenditures as prescribed in accordance with section 8-82 with the City Clerk at each of the times and for the respective periods specified in subsection (a) of this section.

(2) a. In any election year, on or before the dates specified in subsection (a) of this section, in lieu of the scheduled reports required to be filed under that subsection, a campaign committee which continues in existence from year to year may file an affidavit stating that since the date covered by the last report the committee has not been involved in raising or spending, and does not intend to raise or spend, money for that election.

b. Until disbanded or reactivated, a campaign committee which continues in existence from year to year that files an affidavit under this paragraph shall also file an annual report on November 8th of each subsequent year giving a statement of all contributions received and expenditures made since the end of the period for which the last preceding report is filed, as prescribed in section 8-82 with the City Clerk.

c. If, subsequent to the filing of the affidavit provided in this paragraph, a campaign committee which continues in existence from year to year receives contributions or makes expenditures in connection with the election for which it filed the affidavit, the committee shall thenceforth file all scheduled reports on the dates specified in subsection (a) of this section. If the contributions were received or expenditures made before any scheduled reporting dates, the committee is liable for all of the penalties for the late-filing of each of the required reports.

d. The form of the affidavit to be filed under this paragraph shall be as prescribed from time to time by the Board of Supervisors of Elections.

(d) In the case of a newly formed campaign committee, the campaign committee is not required to file any reports under section 8-81(a) otherwise due on or before the date of formation of such campaign committee.

(e) Each candidate, the treasurer of each candidate, and the chairman and treasurer of each committee shall be notified by the City Clerk, by first class mail and no more than twenty (20) nor less than ten (10) days prior to the applicable filing date, of each report that person is required to file. The notice shall include the filing date, the place for filing, the penalty for failure to file a timely report, and the telephone number and business hours of the office where the report is to be filed.

(f) Except for the reports required by paragraphs (a)(1) and (2) of this section, any report shall be considered timely if it is mailed on or before the filing deadline, regardless of when it is actually

received, if the United States Postal Service has provided verification of that fact by affixing a mark so indicating on either the envelope or any receipt therefor. Unless a report is mailed, the City Clerk shall provide a receipt for each report received.

(g) Notwithstanding anything contained in this chapter to the contrary, an organization, including a campaign committee, may designate an affiliated campaign committee and the designating organization shall not be required to file any of the election reports of contributions and expenditures described in this section if:

(1) The designation is made on a form prescribed by the Board and consented to by the affiliated committee on said form;

(2) The affiliated committee has a treasurer and chairman different from the designating organization's treasurer and chairman;

(3) The designating organization does not provide any financial or other reportable contributions to the affiliated committee;

(4) The designating organization otherwise takes no action to assist or attempt to assist in any manner the promotion of the success or defeat of any candidate, candidates, principle or proposition which has been, will be, or is being sought to be submitted to a vote in the current City election cycle after an organization designates an affiliated campaign committee.

(5) The affiliated committee complies with all reporting requirements of this chapter for the election cycle.

(h) The provisions of this section shall apply to all campaign committees, their chairpersons and treasurers, and treasurers for candidates for public office located outside of the geographic boundaries of the City with respect to all expenditures of funds with respect to City elections.

(i) For purposes of this section, the failure to provide all of the information required by the forms prescribed in accordance with section 8-82, to the extent applicable, is a failure to file.

(j) Within ten (10) days after the deadline for the filing of any report which is required to be filed, the City Clerk shall compile a list of every candidate or committee which failed to file the report, which list shall be available to the public.

(Laws of Rockville, Ch. 4, § 4-61; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 15-91, § 2, 6-10-91; Ord. No. 3-95, § 13, 5-22-95)

Sec. 8-82. Forms for report of contributions and expenditures and schedule of receipts and disbursements.

The forms for the "Report or Statement of Campaign and Election Contributions and Expenditures" and the "Schedule of Receipts and Disbursements" shall be prescribed, from time to time, by the Board of Supervisors of Elections. If a candidate desires to use a form different from the form prescribed by the Board of Supervisors of Elections, such candidate shall obtain prior approval from the Board before utilizing such a different form.

(Laws of Rockville, Ch. 4, § 4-62; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Sec. 8-83. Requirements of election reports and statements.

(a) *Payment of late filing fee.* There is a late filing fee for each report or statement of expenditures and contributions which is not filed within the time prescribed in section 8-81. The fee is ten dollars (\$10.00) for each day or part of a day that a report is overdue. An additional fee of ten dollars (\$10.00) is due for each of the first six (6) days that a pre-election report is overdue pursuant to paragraphs 8-81(a)(1) and (2) and subsections 8-81(c) and (d). The maximum fee payable with respect to any single report is three hundred sixty dollars (\$360.00). The City Clerk shall receive an overdue report or statement even if any late filing fee due has not been paid but the report or statement shall not be considered officially filed until all fees have been paid. Upon the receipt by the Clerk of an overdue report or statement, no further late filing fees shall be incurred, notwithstanding the fact that the report or statement is not considered officially filed. The late filing fee is the joint and several personal liability

of the candidate and treasurer as to the report of a candidate, or of the chairperson and treasurer as to the report of a campaign committee. A late filing fee may not be paid, directly or indirectly, from contributions to the candidate or campaign committee and, when paid, may not be treated as a contribution or an expenditure for purposes of this chapter.

(b) *Prerequisites to becoming candidate or treasurer.* A person may not become a candidate for public office in any election in the City, a certificate of candidacy may not be accepted on his behalf, and he may not become a treasurer for a candidate or committee unless:

(1) The person has filed or had filed on his behalf all reports or statements required by section 8-81 and subsection (d) of this section to be filed by him, as a candidate, chairman or treasurer during the five (5) calendar years preceding the election in which the person seeks to become a candidate or treasurer; and

(2) Any late filing fees due in connection with such reports and statements have been paid.

(c) *Notice when report or statement is overdue.* The City Clerk shall promptly notify the Board of Supervisors of Elections of any report or statement required by section 8-81 to be filed which is more than thirty (30) days overdue. Whenever it learns that a required report or statement is more than thirty (30) days overdue, the Board of Supervisors of Elections shall issue a notice to the candidate and treasurer, if the report is the statement of a candidate, or to the chairperson and treasurer if the report is that of a campaign committee, to show cause why they should not be charged with a violation of the provisions of this article, unless the failure to file is remedied and late filing fees paid within thirty (30) days of service of the notice. Any candidate, chairperson, or treasurer who fails to file the report or statement and pay the late filing fee due within thirty (30) days after service of the show cause notice is guilty of a municipal infraction and subject to the penalties prescribed in section 8-111(b). Any such prosecution must be commenced within three (3) years of the date on which the report or statement was originally due.

(d) *Failure to provide information called for.* For the purposes of this section, the failure to provide all of the information called for on the forms prescribed pursuant to section 8-82, to the extent applicable, is a failure to file if the Board of Supervisors of Elections has notified the candidate and treasurer or chairman and treasurer, in writing, of the particular deficiencies and a properly corrected report has not been filed within thirty (30) days of service of such notice. After the thirtieth day, and in the absence of a filed corrected report, daily late filing fees are thereafter payable, and all sanctions provided for in this section and in section 8-111 shall be fully applicable without the necessity of further notice to the candidate, chairman, or treasurer under this subsection or subsection (c) of this section.

(e) *Successful candidates.* A person may not be deemed elected to any public office of the City or enter upon the duties of the office or receive any salary or emoluments therefrom until all of the reports and statements of contributions and expenditures required to be filed by the person pursuant to subsection 8-81(a) and subsection (d) of this section and due before the person may take office, have been filed. A candidate may not be sworn in until the Board of Supervisors of Elections certifies that all the reports and statements required to be filed by such candidate prior to taking office by subsection 8-81(a) and subsection (d) of this section have been filed. The oath of office may not be administered to a candidate until the official administering the oath has received this certification from the Board of Supervisors of Elections.

(f) *Withholding compensation.* If any person elected to public office has been notified pursuant to subsection (c) or (d) of this subsection and has failed to file a report or statement required by subsection 8-81(a) or subsection (d) of this section in the time required or failed to pay any late filing fee due, the Board of Supervisors of Elections shall cause an investigation to be undertaken and shall notify the elected official and afford him the opportunity to be heard. If the Board determines, after hearing, that a report or statement required by subsection 8-81(a) or subsection (d) of this section was not timely filed, that the official was notified pursuant to subsection (c) or (d) of this section, and that the failure to file has not been corrected and late filing fees have not been paid, then it shall direct the City Manager and City Clerk to withhold the compensation of the elected official until the report or statement is filed and all late fees paid and to withhold from future compensation payments a sum or sums which equal any amount previously paid to the elected official for a period during which his report or statement was in default.

(g) *Distribution of late filing fees.* All late filing fees shall be paid to the City and shall be treated as a special fund and the City shall use the funds to defray the cost of voter education.

(h) *Section mandatory; waiver of late filing fee.*

(1) The provisions of this section and the provisions of section 8-81 with respect to the filing of reports or statements are mandatory and not directory. However, no sanctions may be imposed for failure to file a report or statement or to pay a late filing fee if the failure is found by a court of competent jurisdiction to be for just cause.

(2) In addition, upon request of the person required to file, a late filing fee may be waived for just cause by the Board of Supervisors of Elections.

(3) a. The decision of the Board to waive or not to waive a late filing fee shall be in writing and shall set forth the circumstances surrounding the late filing and the reasons for the decision.

b. The decision to waive or not to waive may be made without notice or hearing.

(Laws of Rockville, Ch. 4, § 4-63; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 14, 5-22-95; Ord. No. 7-95, 6-26-95)

Sec. 8-84. Preservation of reports, statements, accounts; inspection; certified copies.

The City Clerk shall receive, file and preserve all reports, statements and accounts relating to campaign contributions and expenditures which are required to be filed by this chapter. These reports, statements, and accounts shall be kept as part of the records of the City for a period of three (3) years regardless if the candidate is successful, unsuccessful, or resigns, or for a longer period if ordered by a court of competent jurisdiction. These reports, statements and accounts shall be subject and open to inspection by any citizen of the City during the hours in which the Clerk's office is open. In addition, the City Clerk shall make a permanent record of all election reports required to have been filed by section 8-81 but which have not been filed. The permanent record shall include the name of the candidate or the committee, the treasurer, an identification of the missing report, and if a final report, a notation of the amount of any outstanding balance, bills or deficits as shown on the last report filed.

(Laws of Rockville, Ch. 4, § 4-64; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-85--8-100. Reserved.

DIVISION 3. CAMPAIGN PRACTICES

Sec. 8-101. Prohibited practices.

The following persons shall be guilty of prohibited practices and shall be punished in accordance with the provisions of this section:

(1) *Offering bribe.* Every person who shall, directly or indirectly, by himself or by another, give or offer or promise to any person any money, gift, advantage, preferment, aid, emolument or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any City election.

(2) *Accepting or soliciting bribe.* Every person who shall, directly or indirectly, receive, accept, request or solicit from any person, candidate, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any City election.

(3) *Acting on bribe.* Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any City election.

(4) *Making contribution other than to treasurer.* No person shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing to defray or towards defraying the costs or expenses of any candidate or campaign committee to any person, committee,

company, organization or association, other than to a treasurer.

a. This subsection shall not apply to dues regularly paid for membership in any campaign committee if all money expended by such committee in connection with the costs or expenses of any campaign or election is paid out only through its treasurer as provided in this article.

b. This subsection shall not apply to any contribution received by a candidate or the candidate's authorized agent provided that the candidate or authorized agent shall immediately turn the contribution over to the treasurer.

(5) *Political contributions in false name.* Every person who shall, directly or indirectly, by himself or through another person make a payment or promise of payment to a treasurer or candidate in any other name than his own, and every treasurer or candidate who shall knowingly receive a payment or promise of payment and entered the same or caused the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made.

(6) *Coercing employees.* Every person who, being an employer, pays his employees the salary or wages due in pay envelopes, upon which there is written or printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety (90) days of an election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease, in whole or in part, his establishment will be closed up, the wages of his employees will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

(7) *Campaign literature.* Every person who publishes or distributes or causes to be published or distributed any pamphlet, circular, card, sample ballot, dodger, poster, advertisement or any printed, multigraphed, photographed, typewritten or written matter or statement or any matter or statement which may be copied by any device or method now known for printing or copying or which may hereafter be used for making copies of printed or written matter in any form whatever for publication or distribution, relating to or concerning any candidate, including a write-in candidate, or prospective candidate for public office or for the acceptance or defeat of any proposition unless such pamphlet, circular, card, sample ballot, dodger, poster, advertisement, or other form of publication described in this article clearly indicates the name of the candidate, person or campaign committee responsible for the literature and contains, but set apart therefrom, an authority line which shall include the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same, except that if the person, treasurer, or campaign manager has furnished the address to the City Clerk, the literature need not contain an address.

The requirements of this subsection (7) shall not apply to any individual publishing or distributing campaign literature promoting the success or defeat of any principle or proposition submitted to a vote at any City election, provided that such campaign literature is published and distributed independent of, and not in coordination with, any campaign committee or other entity.

(8) *Contribution or expenditure in violation of section 8-77.* Every person who, being a candidate, makes any payment, contribution, expenditure or promotes or incurs any liability to pay, contribute or expend from his own personal financial resources any money or thing in value in a manner not authorized by section 8-77.

(Laws of Rockville, Ch. 4, § 4-71; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 15, 5-22-95; Ord. No. 7-95, 6-26-95)

Sec. 8-102. Requirements concerning advertising; rates.

It is unlawful for any person, candidate, campaign manager, treasurer, or campaign committee to expend any money for printing, publication, or broadcasting of any campaign material unless such campaign material purports on its face to be a paid political advertisement and printed, published, or broadcast by the authority of the person, campaign manager or treasurer for the named candidate or campaign committee. This

section shall not apply to communications by a campaign committee exclusively to its membership, or to communications by an individual acting independent of any campaign committee or other entity in promoting the success or defeat of any principle or proposition submitted to a vote at any City election.

(Laws of Rockville, Ch. 4, § 4-72; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 16, 5-22-95; Ord. No. 7-95, 6-26-95)

Sec. 8-103. Retention of samples of political matter published or distributed.

- (a) Each candidate or treasurer and every person who publishes or distributes or causes to be published or distributed campaign material, shall maintain for a period of one (1) year following each election a complete file of sample copies of all matter printed, published, or distributed by his authority.
- (b) Distributor includes any person, partnership, or corporation engaged in the distribution of circulars, pamphlets, and other advertisements by hand delivery or direct mail for profit but does not include salaried employees, agents or volunteers of the person, partnerships, or corporations.
- (c) A person subject to the requirements of subsection (a) is not required to maintain sample copies of billboards and placards.

(Laws of Rockville, Ch. 4, § 4-73; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)

Secs. 8-104--8-110. Reserved.

DIVISION 4. REMEDIES

Sec. 8-111. Violation of chapter declared misdemeanor; penalty for violations.

- (a) *Misdemeanors.* Any person who violates Section 8-101(1), (2), (3), (5) or (6) of this chapter is guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than six (6) months, or both, in the discretion of the court.
- (b) *Municipal infractions.* Any person who violates any provision of this chapter other than those listed in subsection (a) above is guilty of a municipal infraction pursuant to Section 1-9 of this Code. A municipal infraction citation may be issued to such person by the Board of Supervisors of Elections or the Board's designee, and shall be prosecuted by the City Attorney.
- (c) *Ineligibility from holding office.*
 - (1) Any person who is convicted of a misdemeanor under subsection (a) of this section shall automatically be ineligible for any elected or appointed public office in the City for a period of four (4) years from and after the time of the commission of the offense.
 - (2) If the board determines, after notice and a hearing at which evidence is taken and a transcript made, that a person found guilty of a municipal infraction under subsection (b) of this section knowingly and wilfully commits such violation or had knowledge of and consented to such violation by said person's agent, the Board may declare such person to be ineligible for any elected or appointed public office in the City for such period of time as the Board finds appropriate, but not be exceed four (4) years. Any person aggrieved by reason of such determination of the Board may appeal to the Circuit Court for the County according to the Maryland Rules governing administrative appeals.
 - (3) If a person holding public office in the City becomes ineligible for such position under this subsection (c), such person shall automatically be removed from office and the position shall be deemed vacant. Such vacancy shall be filled in the same manner as other vacancies in such office are filled.
- (d) If a different penalty is specifically prescribed for violation of any section in this chapter and expressly set forth therein, the specific penalty applies and the penalty set forth in this section does not apply.

(Laws of Rockville, Ch. 4, § 4-81; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89; Ord. No. 3-95, § 17, 5-22-95)

Cross references: Punishment for misdemeanors, § 1-10.

Sec. 8-112. Injunction.

The Board of Supervisors of Elections, the Chairman of the Board of Supervisors of Elections, on behalf of the Board, or any aggrieved party having sustained a direct injury may seek an immediate injunction against any violation of the provisions of this chapter.

(Laws of Rockville, Ch. 4, § 4-82; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 16-89, 5-22-89)